

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4788 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

-
1. Anita Devi and Anr Wife of Shri Tarkeshwar Ojha Resident of Village - Gulariya, P.S.- Gopalpur, District - West Champaran Bettiah
 2. Rahul Pandey Son of Adarsh Pandey Resident of Village - Satbhirava, P.S.- Majhauriya, District- West Champaran Bettiah at present resident of Kamalnath Nagar, Ward no. 32, Road no. 4, P.s.- Bettiah Town, District - West Champaran Bettiah

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Mishra
For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 25-01-2019

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 3.12.2018 passed in A.B.P.no.2581 of 2018 arising out of Bettiah SC/ST P.S.Case No.52 of 2018 dated 12.10.2018 for the offences punishable under Sections 341, 323, 504, 34 of the Indian Penal Code and Section 3(i)(r)(ii) (vi) of SC/ST Act and Section 138 of the N.I.Act by the learned Addl. Sessions Judge Ist cum Special Judge, Bettiah, West Champaran whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

Allegation as per FIR is that a cheque was issued by Tarkeshwar Ojha husband of appellant no.1 and when the informant went to enquire about the same he assaulted and abused him by caste name.



Submission of the learned counsel for the appellants is that cheque has been issued by Tarkeshwar Ojha. Appellant no.1 is the wife of Tarkeshwar Ojha and the appellant no.2 is the son -in-law of Tarkeshwar Ojha.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellant, above named, in the event of his arrest or surrender before the learned Special Judge within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Ist cum Special Judge, Bettiah , West Champaran in connection with Bettiah SC/ST P.S.Case No.52 of 2018, subject to condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

