

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4815 of 2018

Arising Out of PS. Case No.-136 Year-2017 Thana- SAHIYARA District- Sitamarhi

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1. Saroj Kumar Sharma Son of Late Bal Krishna Sharma
 2. Kanhaiya Kumar Sharma Son of Late Shyam Sharma
- Both Resident of Village and P.S.- Sahiyara, District - Sitamarhi
... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 05-02-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 24.11.2018 passed by the learned 1st Addl. District and Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in ABP No. 1828 of 2018/468 of 2018 arising out of Sahiyara P.S.Case No. 136 of 2017 registered under Sections 323, 341 and 504/34 of the Indian penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is that they threatened the informant to withdraw case earlier lodged against them and also of assaulting with filthy abusive language by taking caste name and further allegation against appellant no. 2 is of assault.



Submission of learned counsel for the appellants is that earlier to the present case, a case has been lodged by the appellants' side and in order to save his skin, present case has been lodged by the informant.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District and Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in ABP No. 1828 of 2018/468 of 2018 arising out of Sahiyara P.S.Case No. 136 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

