

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1993 of 2019**

Arising Out of PS. Case No.-103 Year-2019 Thana- MASHRAK District- Saran

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1. SURENDRA SHUKLA Son of Late Manharan Shukla Resident of Village - Chainpur Chamariya, P.S.- Mashrakh, District Saran Chapra
 2. Rakesh Shukla Son of Late Hawaldar Shukla Resident of Village - Chainpur Chamariya, P.S.- Mashrakh, District Saran Chapra
 3. Deepak Shukla Son of Surendra Shukla Resident of Village - Chainpur Chamariya, P.S.- Mashrakh, District Saran Chapra
 4. Mukesh Shukla Son of Subh Narayan Shukla Resident of Village - Chainpur Chamariya, P.S.- Mashrakh, District Saran Chapra
 5. Banti Shukla Son of Bhola Shukla Resident of Village - Chainpur Chamariya, P.S.- Mashrakh, District Saran Chapra

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT**

Date : 17-05-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 23.04.2019 passed by learned 1st Additional Sessions Judge, Saran at Chapra in connection with Mashrakh P.S. Case No. 103 of 2019 registered under Sections 435, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(r)(s)(z)(a)(c) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellants submits that the appellants, who are of clean antecedents, are



innocent and have not committed any offence. In fact, there is general and omnibus allegation against the appellants and no specific allegation is attributed to the appellants. Moreover, the offences attributed to the appellants under the provisions of Indian Penal Code are bailable in nature and no case under the provisions of SC/ST Act is made out against the appellants. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge (Special Judge) SC/ST Act, Saran at Chapra in connection with Mashrakh P.S. Case No. 103 of 2019 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, this appeal is allowed and the impugned order is set aside.

(Arvind Srivastava, J)

brajesh/-

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