

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1978 of 2018

Arising Out of PS. Case No.-65 Year-2016 Thana- BALIYA District- Begusarai

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Deepo Chaudhary @ Deep Narayan Chaudhary @ Deep Narain Chaudhary
Son of Asharfi Chaudhary, resident of Village- Masudanpur, Police Station-
Ballia in the district of Begusarai. Appellant/s

Versus

The State Of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar, Adv

For the Respondent/s : Mr.Smt Usha Kumari No-1, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-04-2019

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 09.03.2018 in A.B.P. No.471 of 2018 arising out of Ballia P.S.Case No.65 of 2016 passed by the learned Special Judge, SC/ST, Begusarai registered under Sections 147,148,149,341,342,302 of the Indian Penal Code, Section 27 of Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

Though the appellant is named in the FIR, the informant, who is an eye witness of the occurrence is specific that co-accused, Surendra, Himmat Chaudhary, Jitendra Chaudhary and Chhote Chaudhary had fired, causing death of two person.



Submission is that co-accused, Hare Ram Chaudhary has already been allowed anticipatory bail by this Court in Cr. Appeal (SJ) No.1980 of 2018.

Since no overt act is alleged against the appellant as well as considering the fact that co-accused of the case has already been allowed anticipatory bail by this Court, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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