

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2042 of 2018

Arising Out of PS. Case No.-241 Year-2017 Thana- NOKHA District- Rohtas

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1. Birendra Chaudhary, son of Munshi Chaudhary
 2. Vikash Chaudhary, son of Madan Chaudhary,
Both Residents of Village- Bhaluahi, Ward No. 7, P.S.- Nokha, District-
Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 04-02-2019

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 16.05.2018 passed by the learned Addl. Sessions Judge- 1st -cum-Special Judge, SC/ST, Rohtas at Sasaram in Registered Case No. 312 of 2017 arising out of Nokha P.S.Case No. 241 of 2017 registered under Sections 323, 341, 448, 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 of assaulting the informant and when his son complained about the same, he was also assaulted.



Submission of learned counsel for the appellants is that there is case and counter case in between the parties and no specific allegation has been attributed against them and moreover, appellants were granted privilege of Section 41 Cr.P.C. and they have not misused the privilege of same.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with a direction to the appellants to surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered by the court below considering the fact that earlier they were on bail under Section 41 Cr.P.C. and have not misused the privilege of bail, and considering the materials available on record, dispose of the same without being prejudiced by this order, if possible, on the same day.

(Vinod Kumar Sinha, J)

sujit/-

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CAV DATE	
Uploading Date	
Transmission Date	

