

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1950 of 2018**

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

Manoranjana Chaudhary S/o Ganesh Chaudhary, R/o Vill.- Masudanpur, P.S.-
Ballia in the District of Begusarai.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 13-03-2019

Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 09.03.2018 passed by the learned Special Judge (S.C./S.T. Act), Begusarai in A.B.P. No.471 of 2018, arising out of Ballia Police Station Case No.65 of 2016 registered under Sections 147, 148, 149, 341, 342, 302 of the Indian Penal Code as well as Section 27 of the Arms Act and Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Though the appellant is named in the F.I.R., the informant, who is an eyewitness of the occurrence is specific that co-accused, *Surendra, Himmat Chaudhary, Jitendra Chaudhary and Chhote Chaudhary* had fired, causing death of two persons.



Submission is that co-accused, *Hare Ram Chaudhary* has already been allowed anticipatory bail by this Court in Criminal Miscellaneous No.1980 of 2018.

Since no overt act is alleged against the petitioner as well as considering the fact that co-accused of the 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 bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully co-operate 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)

abhishek/-

AFR/NAFR	NAFR
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