

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4037 of 2018

Arising Out of PS. Case No.-152 Year-2018 Thana- ADAPUR District- East Champaran

1. Kundan Kumar @ Kundan Dubey Son of Late Bhushan Dubey,
 2. Ram Babu Yadav, Son of Sheonath Yadav,
- Both are resident of Village- Bhaluahiya, Police Station- Adapur, District- East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No.-7

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 29-01-2019

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 11.09.2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari in ABP No. 2462 of 2018 arising out of Adapur (Harpur) P.S.Case No. 152 of 2018 registered under Sections 307, 323, 341, 354, 447, 424 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 of assaulting the informant by iron rod after entering into the house of the informant and he also assaulted his wife and daughter Poonam Devi and also tore her blouse.

Submission of learned counsel for the appellants is that there



is case and counter case in between the parties and the allegation made out in FIR does not make out a case under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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. Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari in ABP No. 2462 of 2018 arising out of Adapur (Harpur) P.S.Case No. 152 of 2018; 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	

