

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4457 of 2018

Arising Out of PS. Case No.-42 Year-2018 Thana- SC/ST District- Patna

-
1. Phanibhushan Prasad Son of late Chaneshwar Prasad
 2. Suresh Prasad Son of late Hari Thakur Both Resident of Village- Deokali,
Police Station- Dhanarua, District- Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhauri Kamal Kishore Sahay
For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 17-01-2019

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 26.10.2018 passed by the learned Addl. District and Sessions Judge-IV-cum-Special Judge SC/ST, Patna in ABP No. 7705 of 2018 arising out of SC/ST P.S.Case No. 42 of 2018 registered under Sections 307, 323, 341, 504 and 506/34 of the Indian penal Code, Section 27 of the Arms Act and Sections 3(i)(r)/3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellants is of assaulting and abusing the informant by taking caste name.

Submission of learned counsel for the appellants is that



no specific allegation has been attributed against any of the appellants either of assault or abuse rather the allegation is general in nature and allegation of firing is against other accused persons.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants abovenamed, 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 Addl. District and Sessions Judge-IV-cum-Special Judge SC/ST, Patna in ABP No. 7705 of 2018 arising out of SC/ST P.S.Case No. 42 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellants shall co-operate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

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	

