

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2691 of 2018

Arising Out of PS. Case No.-133 Year-2014 Thana- BIRAUL District- Darbhanga

1. JEEBACHH PRASAD SINGH @ JEEBACHH SINGH Son of Saryug Singh R/o Village-Sonbehat, P.S-Biraul, Dist.-Darbhanga
2. Leela Devi Wife of Jeebachh Prasad Singh @ Jeebachh Singh R/o Village-Sonbehat, P.S-Biraul, Dist.-Darbhanga
3. Kailash Prasad Singh @ Kailash Singh Son of Jeebachh Prasad Singh @ Jeebachh Singh R/o Village-Sonbehat, P.S-Biraul, Dist.-Darbhanga
4. Subash Singh @ Subansh Singh son of Jeebachh Prasad Singh @ Jeebachh Singh R/o Village-Sonbehat, P.S-Biraul, Dist.-Darbhanga
5. Bidhata Kumar Singh @ Bidhata Singh Son of Jeebachh Prasad Singh @ Jeebachh Singh R/o Village - Sonbehat, Police Station - Biraul, District - Darbhanga.

... .. Appellant/s

Versus

The State Of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Satyendra Kumar Srivastava
For the Respondent/s : Mr.Smt Usha Kumari No

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 03-05-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 03.04.2018 passed by the 1st Additional Sessions Judge, -cum- Special Judge, SC/ST Act, Darbhanga in connection with Biraul P.S. Case No. 133 of 2014 registered under Sections 341, 323, 354 and 504/34 of the Indian Penal Code and Section 3(I)(X) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.



Learned counsel appearing for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. In fact, the F.I.R. has been lodged after lapse of one month from the date of occurrence without explaining the delay which create doubt over the prosecution version. No occurrence as alleged in the F.I.R. has ever took place. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, -cum- Special Judge, SC/ST Act, Darbhanga in connection with Biraul P.S. Case No. 133 of 2014 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

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