

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4302 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- KURTHA District- Jehanabad

-
1. Sagir Mallique @ Md. Sagir Ahmad, Son of Late Mahbum Alam,
 2. Gauhar @ Md. Sarik Nazar, Son of Sagir Mallique @ Md. Sagir Ahmad,
 3. Khalik Mallique @ Khalid Anwar, Son of Jubair Mallique,
 4. Chhoti Mallique @ Md. Abuzar Halimi, Son of Abu Mallique, All Resident of Village- Dhamaul, Police Station- Kurtha, District- Arwal.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-01-2019 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 01.10.2018 passed by the Addl. Sessions Judge 1st Jehanabad in ABP No. 1545 of 2018 arising out of Kurtha P.S.Case No. 71 of 2017 registered under Sections 147, 149, 323, 341 and 504 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 misbehaving with the informant and others by caste name and also of assault.

Submission of learned counsel for the appellants is that



no specific allegation has been attributed against any of the appellants and considering the same, other accused persons have been granted privilege of anticipatory bail by this Court vide order dated 14.11.2017 passed in Cr. App. (SJ) No. 2905 of 2017 and the case of the appellants are similar to those accused persons.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, this appeal is allowed and the impugned order is set aside. 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 Additional Sessions Judge 1st, Jehanabad passed in ABP No. 1545 of 2018 arising out of Kurtha P.S. Case No. 71 of 2017; 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 himself 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.

(Vinod Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

