

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4372 of 2018

Arising Out of PS. Case No.-43 Year-2017 Thana- NAUGACHIA District- Bhagalpur

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1. Raj Kumar Singh, Son of Late Ayodhi Singh,
 2. Bipin Kumar Singh, Son of Dhuran Prasad Singh @ Dhuran Singh,
Both resident of Village- Mahdatpur, P.S.- Naugachhia, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-01-2019 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 Additional District and Sessions Judge-III-cum-Special Judge, Bhagalpur in ABP No. 2224 of 2018 arising out of Naugachhia P. S. Case No. 43 of 2017 registered under Sections 147, 148, 149, 307, 323, 354, 379, 380, 448, 504 and 506 of the Indian penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation as per the FIR is that accused persons had gone to the house of the complainant and set the house on fire and damaged the property.



Submission of learned counsel for the appellants is that there is delay in lodging the complaint petition of about three months and no specific allegation has been attributed against them. He submits that allegations are general and omnibus and other co-accused persons, considering the same by a co-ordinate Bench of this Court, have been granted privilege of anticipatory bail vide judgment dated 03.08.2018 passed in Cr. Appeal (SJ) No. 1909 of 2018 and vide judgment dated 30.08.2018 passed in Cr. Appeal (SJ) No. 2811 of 2018.

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 Additional District and Sessions Judge III-cum-Special Judge, Bhagalpur in ABP No. 2224 of 2018 arising out of Naugachhia P. S. Case No. 43 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 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.

(Vinod Kumar Sinha, J)

sujit/-

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