

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3915 of 2018

Arising Out of PS. Case No.-103 Year-2017 Thana- MAJHAULIA District- West Champaran

1. Rajkumar @ Raj Kumar son of Ramsagar Sah
2. Rahul Kumar, son of Arun Srivastav,
Both Residents of Village- Birwan, Police Station- Majhaulia, District- West Champaran at Bettiah.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-01-2019 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 07.08.2018 passed by the Additional Sessions Judge-1st-cum-Special Judge, West Champaran at Bettiah in ABP No. 890 of 2018, arising out of Majhaulia P.S.Case No. 103 of 2017 registered under Sections 307, 323 and 341/34 of the Indian Penal Code and Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants and others accused persons is of demanding extortion from the informant, assaulting on his head by means of rod and also abusing the informant by caste name.



Submission of learned counsel for the appellants is that as a matter of fact, the informant and one other person were involved in a case of sexual harassment of girl and a departmental proceeding was also initiated against them and informant has apprehension that appellants have got him involved in that case, that is why present case has been lodged by the informant against the appellants. Further submission is that injuries are found simple in nature.

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 Additional Sessions Judge-1st-cum-Special Judge, West Champaran at Bettiah in ABP No. 890 of 2018 arising out of Majhulia P.S.Case No. 103 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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