

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4427 of 2018

Arising Out of PS. Case No.-264 Year-2016 Thana- MASHRAK District- Saran

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1. Deepak Kumar and Ors Son of Rajeshwar Das,
 2. Bhuwar Ojha @ Manish Kumar, Son of Late Gopal Ojha,
 3. Umesh Kumar Das @ Umesh Dash @ Dash @ Umesh Kumar, Son of Feku Das,
 4. Bhim Kumar, Son of Shiv Vachan Mahto,
 5. Pradip Kumar @ Pradeep Kumar, Son of Rajeshwar Das, All are resident of Village- Sautar Tir, P.S.- Mashrak, Distt- Saran.
 6. Man Mohan Prasad, Son of Late Jang Bahadur Prasad, Resident of Village- Mashrakh Takth, P.S.- Mashrakh, District- Saran.
 7. Anupam Kumar, Son of Late Arjun Singh,
 8. Manish Kumar, Son of Basant Singh, Both are resident of Village- Mashrak, Ramghat, P.S.- Mashrakh, District- Saran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 17-01-2019

This is an appeal under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 16.08.2018 passed by the learned 1st Addl. Sessions Judge, Saran at Chapra in ABP No. 2264 of 2018 arising out of Mashrak P.S.Case No. 264 of 2016 registered under Sections 147, 149, 307, 323, 324, 341, 379, 504 and 506 of the Indian penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellants and other accused



persons , eight in numbers, is that they came to the house of the informant and appellant no. 3 assaulted by knife twice on his head and there is allegation against appellant no. 1 that he snatched Rs. 60/- from his pocket.

Submission of learned counsel for the appellants is that appellant no. 1 and 3 belong to SC/ST category and so far other appellants are concerned, no specific allegation has been attributed against them of assault or abuse.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, so far appellant nos. 2,4,5,6,7 and 8 are concerned, they are, 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, directed to 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 1st Addl. Sessions Judge, Saran at Chapra in ABP No. 2264 of 2018 arising out of Mashrak P.S.Case No. 264 of 2016; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellant 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.

So far as appellant no. 1 and 3 are concerned, they are directed to be surrender and produce the certificate with respect to that they belong to SC/ST category and if any document is filed, they shall be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

