

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.828 of 2016

Arising Out of PS.Case No. -297 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

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1. Md. Kaila @ Kaila @ Jamshed Ali son of Muso @ Ayub resident of Village Navinagar, P.S.- Chandradeep, District- Jamui.

.... Appellant/s

Versus

1. The State of Bihar.
2. Manti Devi wife of Jagdish Chaudhary resident of Village- Navinagar, P.S.- Chandradeep, District- Jamui.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shivendra Kumar Sinha

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

- 3 18-11-2016 1. The appellant is aggrieved by rejection of his bail application by an order dated 06.09.2016 passed by the learned First Additional Sessions Judge, Jamui in Anticipatory Bail Petition No. 826 of 2016 arising out of Complaint Case No. 297C of 2014 registered for the offences punishable under Sections 384,427 read with Section 34 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in the present appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Referring to the contents of the complaint petition, learned counsel appearing on behalf of the appellant



has submitted that this is out and out a civil dispute between the appellant and the complainant and according to him, the complaint petition has been filed in order to wreak vengeance. He has also submitted that no case under various provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is made out though there is such allegation against co-accused Md. Naushad and Md. Sarfaraz.

3. Learned counsel appearing on behalf of the appellant appears to be right in his submission that the occurrence pertains to a civil dispute between the parties. He is also correct in his submission that there is no specific allegation against this appellant, which can be said to be constituting an offence under Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. From the order impugned, I find that this aspect has not been duly considered by the Court below in its order, dated 06.09.2016. Accordingly, the order, dated 06.09.2016, is set aside.

4. This appeal is, accordingly, allowed. Let the appellant above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned

Additional Chief Judicial Magistrate-II, Jamui in Complaint
Case No. 297C of 2014.

(Chakradhari Sharan Singh, J)

ArunKumar/-c

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