

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1274 of 2017

Arising Out of PS.Case No. -600 Year- 2016 Thana -HILSA District-
NALANDA (BIHARSHARIFF)

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1. Dharmendra Kumar @ Dharmendra Rabidas, Son of Umesh Rabidas.
2. Prashant Rabidas @ Prashand Rabidas, Son of Meghan Rabidas.
3. Nitish Rabidas, Son of Suresh Rabidas.
4. Indal Rabidas, Son of Baleshwar Rabidas.
5. Babloo Rabidas, Son of Rambali Rabidas.

All are Resident of Madarpur, Police Station- Hilsa, District- Nalanda.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vibhuti Ranjan Sonvadra, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 13-06-2017

Heard the parties.

The present appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 (*hereinafter referred to as the*



SC/ST Act), has been preferred against an order, dated 07.02.2017, passed by the learned 1st Addl. Sessions Judge, Nalanda at Biharsharif, in A.B.P. No. 29 of 2017/97 of 2017, in connection with Hilsa P.S. Case No. 600 of 2016, disclosing offences punishable under Sections 147, 323, 504, 307, 354(A) and 509 of the Indian Penal Code and Section 3(1) (c) of the *SC/ST Act*, whereby, their application for grant of anticipatory bail has been rejected.

Learned counsel, appearing on behalf of the appellants, has submitted that no offence, under the provisions of *SC/ST Act*, can be said to be made out against the appellants, who themselves are members of scheduled castes. He has submitted that no grievous injury has been found on the person of anyone. It is also his submission that because of some civil dispute between the parties, a criminal case has been lodged maliciously.

I find substance in the submission so made on behalf of the appellants that it was a fit case, where the court below ought to have allowed anticipatory bail.

Considering the nature of accusation against the appellants, the impugned order, dated 07.02.2017, is set-aside.

Let the appellants, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees



Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned 1st Addl. Sessions Judge, Nalanda at Biharsharif**, in connection with **Hilsa P.S. Case No. 600 of 2016**.

This is subject to the condition that the appellants shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

This application is, accordingly, allowed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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