

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3206 of 2017

Arising Out of PS.Case No. -66 Year- 2017 Thana -MARAUNA District- SUPAUL

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1. Shiv Narayan Thakur son of Yadu Thakur
 2. Bindeshwar Thakur Son of Yadu Thakur
 3. Nageshwar Thakur Son of Yadu Thakur
 4. Gopal Thakur Son of Late Billat Thakur
 5. Kameshwar Thakur Son of Ramjee Thakur
 6. Rameshwar Thakur Son of Ramjee Thakur All residents of Village - Chandragarh, P.S. - Marauna, District - Supaul.

.... Appellant/s

Versus

1. The State of Bihar through Special P.P. SC & ST . Act.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Mishra, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 12-12-2017 This is an appeal under Section 14(A)(2) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge-I, Supaul, in Marauna Police Station Case No.66 of 2017 registered under Sections 341/323/324/325/354A/379/504/34 of the Indian Penal Code and Section 3(i) (r) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

The F.I.R. reveals that occurrence of assault was committed for dispute regarding cutting the crops from the field of the appellants, which the informant protested saying that the land is under mortgage with Raj Kumar Ram.



Submission of the learned counsel for the appellants is that the whole F.I.R. would reveal that the occurrence took place for some civil dispute. Appellants were not intending to humiliate the informant for the reasons that the informant is a member of the schedule caste. Therefore, they should be released on anticipatory bail.

I find substance in the submission of the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Marauna Police Station Case No.66 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

The Appeal stands allowed accordingly.

(Birendra Kumar, J)

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