

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3286 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -KOTHIGRAM District- GAYA

- =====
1. Kameshwar Bharti @ Kameshwar Bhuiyan, Son of Dhyani Bharti,
 2. Sunaina Devi, Wife of Keshar Bharti,
 3. Sundri Devi, Wife of Amrit Bharti,
 4. Somari Devi, Wife of Ram Bali Bharti,
 5. Punam Devi, Wife of Fulchand Bharti,
 6. Santan Bharti @ Santan Bhuiyan, Son of Somaru Bharti, All resident of Village- Barakala, P.S.- Kothi, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 12-12-2017

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Gaya, in Kothi Police Station Case No.42 of 2017 registered under Sections 147/148/149/341/342/354B/448/504/506/509 of the Indian Penal Code and Sections 3(i) (r)(s)/3(2)(w)(1)/3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

The main allegation of commission of abuse and assault is against co-accused Sidhhi Singh with whom the informant



has already compromised the case. The appellants are also members of the scheduled caste, which would be evident from the certificates at Annexure-2 series. Hence, provisions under the SC/ST Act is not attracted in the matter of appellants.

Considering the aforesaid facts, 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 Kothi Police Station Case No.42 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.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

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