

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3031 of 2017

Arising Out of PS.Case No. -515 Year- 2015 Thana -WAJIRGANJ District- GAYA

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1. Ram Swarup Yadav @ Ramroop Prasad, S/o Dewaki Mahto,
2. Deepak Kumari D/o Ram Swarup Yadav, Both R/o Village- Budhaul ,
P.S.- Wazirganj, District- Gaya (Bihar). Appellants

Versus

The State of Bihar Respondent

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Appearance :

For the Appellant/s : Mr. Arvind Kumar, Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 12-12-2017

Heard learned counsel for the parties.

This is an appeal under Sections 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Special Judge, SC/ST Act, Gaya in connection with Wazirganj P.S.Case No. 515 of 2015 registered under Sections 341,323,34 of the Indian Penal Code as well as under Section 3(i)(x)of the Scheduled Castes and Scheduled Tribes (POA)Act.

According to FIR, the children of the parties were quarrelling. When the informant came out to get the children removed from there, the appellants allegedly committed abuse by taking her caste name.

Considering the background of allegation for the purpose of anticipatory bail it cannot be said that the appellants had intention to humiliate the informant for her



being a member of scheduled castes and scheduled tribes, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Wazirganj P.S.Case No. 515 of 2015 , 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, this appeal stands allowed and the impugned order is set aside.

(Birendra Kumar, J)

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