

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3150 of 2017

Arising Out of PS.Case No. -13 Year- 2016 Thana -SC/ST District- LAKHISARAI

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1. Raj Kumar Sharma, S/o Late Dwarika Maharaj,
2. Manish Kumar @ Manish Sharma, S/o Raj Kumar Sharma, Both are
resident of Village- Naya Bazar, Kabaiya, Road, Lakhisarai, at present
resident of 304 (C) Tulsi Apartment, Surat (Gujarat).

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-12-2017

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 Additional District & Sessions Judge 1st, Lakhisarai in connection with Lakhisarai SC/ST P.S.Case No. 13 of 2016 (G.R.No.965 of 2016) registered under Sections 341,323,504,506,406/34 of the Indian Penal Code as well as under Sections 3(I)(X)(5) of the Scheduled Castes and Scheduled Tribes Act.

The dispute between the parties was due to non-execution of the registered sale deed in pursuance of agreement to sell between the parties. The appellants are



alleged to have executed sale deed in favour of some other persons. For that reason, the appellants abused the complainant by taking his caste name on mobile phone. Apparently, there is lack of material to substantiate public view or intention to humiliate a member of SC/ST.

Hence, 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 Lakhisarai SC/ST P.S. Case No. 13 of 2016 (G.R.No.965 of 2016), 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.

(Birendra Kumar, J)

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