

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1640 of 2017

Arising Out of PS.Case No. -180 Year- 2016 Thana -PATRAKARNAGAR District- PATNA

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1. Neelam Kumari, wife of Shri Manoj Kumar Ambastha, resident of Mohalla-East Chitra Gupta Nagar, Kanti Factory Road, P.S.- Patrakar Nagar, District-Patna
 2. Manoj Kumar Ambastha, son of Late Muneshwar Prasad, resident of Mohalla-East Chitra Gupta Nagar, Kanti Factory Road, P.S.- Patrakar Nagar, District-Patna

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-05-2017

This is an anticipatory bail matter. On refusal of the prayer by the learned Special Judge, this appeal has been preferred under Section 14(A) of the SC/ST (Prevention of Atrocities) Act, 1989.

The F.I.R would reveal that there are disputes between the parties arising out of an agreement to sale between the parties. The F.I.R would further reveal that son of these appellants had abused taking caste name of the informant for the reason that the informant was demanding receipt of refund of his consideration money.

The submission of the petitioner is that no offence under the SC/ST Act is prima facie disclosed against the appellants, hence bar of anticipatory bail is not applicable against



the appellants.

On the other hand, learned counsel for the State submits that cognizance has already been taken against the appellants. Hence, this anticipatory bail application is not maintainable as prima facie case has been found against the appellants at the time of taking cognizance.

Since no allegation under the SC/ST Act is levelled against the appellants, there is no reason to say that there is material against the appellants attracting provisions of SC/ST Act. Hence, in my view, they deserve anticipatory bail.

Accordingly, 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. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST(Prevention of Atrocities) Act, Patna in connection with Patrakar Nagar P.S. Case No. 180 of 2016.

This appeal stands allowed accordingly.

(Birendra Kumar, J)

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