

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2972 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -MAGADH UNIVERSITY District- GAYA

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1. Quadir Khan @ Md. Quadir Khan, Son of Late Abul Hassan,
2. Amin Khan, Son of Late Amzal Khan,
3. Saifee Ahmad Khan, Son of Mussaraf Khan, All resident of Village-
Sahdeo Khap, P.S.- Magadh University, District- Gaya..... Appellants
Versus

The State of Bihar. Respondent

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Appearance :

For the Appellant/s : Mr. Ramchandra Sahni, Adv.

For the Respondent/s : Mr. Binay Krishna, 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 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, Gaya in connection with Magadh University P.S.Case No. 16 of 2017 registered under Sections 147, 148, 149, 341, 323, 324, 325, 379, 307, 504, 506 of the Indian Penal Code as well as under Section 3(i)(r)(S) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellants assaulted the informant and committed theft. There is further allegation of commission of abuse by taking caste name of the informant.

Submission of the learned counsel for the appellants is that there is case and counter case and the authorities who had gone to enquire into the matter have



come to the conclusion that there was communal disharmony in the locality and for that reason, case and counter case has been lodged.

Since there is no material against the appellants to substantiate that the appellants committed the act alleged with intent to humiliate the informant for being a member of scheduled castes and scheduled tribes. 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) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Magadh University P.S.Case No. 16 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, this appeal stands allowed and the impugned order is set aside.

(Birendra Kumar, J)

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