

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.302 of 2018

Arising Out of PS.Case No. -668 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Lalbabu Mian, Son of Safi Mian,
 2. Alam Mian, Son of Abdul Mian,
 3. Badsah Mian @ Bashah Mian, Son of Late Pir Mohammad Mian,
 4. Lokman Mian @ Lukman Mian @ Lukhman Mian, Son of Abdul Mian.
 5. Firoj Mian, Son of Safi Mian.
 6. Afaroj Mian, Son of Safi Mian, All resident of Village Belghatti, Police Station- Turkauliya, District- East Champaran at Motihari.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjana, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran at Motihari, in Turkauliya Police Station Case No.668 of 2017 registered under Sections 147/341/ 323 / 324/ 354 /379 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is case and counter case.

Submission is that since the informant had put a hut on



the road of the village. Therefore, the appellants had asked to remove the same and just to pressurize, false allegation has been leveled, which is general and omnibus.

Further submission is that to attract the offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the attribution must be specific, which is not there.

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 the aforesaid case, 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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