

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2799 of 2018

Arising Out of PS. Case No.-70 Year-2012 Thana- SC/ST District- East Champaran

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1. Raj Kumar @ Raj Kumar Kanaujia, S/o Late Mahadeo Prasad,
 2. Manoj Kumar S/o Late Mahadeo Prasad, Both are R/o Mohalla-
Main Road, Motihari East of Rauxi Cinema, P.S.- Motihari
Muffasil, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nagendra Upadhyay
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 30-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 02.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Motihari in A.B.P. No.1239 of 2018, arising out of Motihari S.C./S.T. Police Station Case No.70 of 2012 registered under Sections 341, 323, 379/34 of the Indian Penal Code and Section 3 (i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant had gone to purchase medicines from the shop of the appellants. For dispute relating to cost of the medicines



the appellant allegedly committed abuse and assault as well as theft. The appellants have stated on oath that they have got no criminal antecedent.

The aforesaid material does not reveal that the appellants were intending to humiliate the member of scheduled castes. 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 bail on furnishing bail bonds of Rs.20,000/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

