

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3721 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- SC/ST District- Saran

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1. Zamil Akhtar, Son of Anwarul Haque, Resident of Mohalla-Gudari Sekh Toli, P.S.- Bhagwan Bazar, District- Saran at Chhapra.
 2. Md. Aslam alias Sonu alias Aslam Hussain alias Sonu Hussain, S/o Akhtar Hussain, Resident of Village- Sheo Bazar, P.S.- Bhagwan Bazar, Dist- Saran at Chhapra.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yashraj Bardhan
For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-12-2018

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 06.09.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in A.B.P. No.2842 of 2018, arising out of Saran SC/ST Police Station Case No.18 of 2018 registered under Sections 147, 323, 341, 504 of the Indian Penal Code and Sections 3 (i) (r)/ 3 (i) (g), 3 (2) va of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The offences of the Indian Penal Code alleged against the appellants are bailable. Appellants have stated on oath that they have got no criminal antecedent.

Considering the fact that while amending the provisions of S.C./S.T. (P.O.A.) Act, the legislature has not taken care of the innocent person, who are victim of the abuse of the process of law, nor has taken care of frivolous litigation and allegations not substantiated by material on record. This Court cannot shut its door to protect the fundamental right of such people. 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	NAFR
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