

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.914 of 2018

Arising Out of PS.Case No. -267 Year- 2017 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

- =====
1. Ramanand Singh, S/o late Ganga Singh,
 2. Dhiru Singh S/o Sri Baban Singh,
 3. Anshu Singh S/o Ramanuj Singh,
 4. Kumud Devi W/o Sri Krishna Singh,
 5. Raju Singh S/o Sri Dilip Singh,
 6. Sadhu Singh S/o Gopal Singh,
 7. Rahul Singh S/o Chunnu Singh,
 8. Chhotu Kumar S/o Ashok Singh,
 9. Guddu Kumar Singh @ Guddu Kumar S/o Late Ramesh Singh @ late Rajesh Singh, All are R/o Village- Kirhindi, P.S.- Sheosagar, District- Rohtas (Sasaram).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nilesh Kumar, Advocate

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 10-04-2018 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 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge, Rohtas at Sasaram, in connection with Sheosagar Police Station Case No.267 of 2017 registered under Sections 147/148/149/323/324/326/307 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

In the occurrence of assault, there is allegation against 24 named accused persons including the appellants to have caused injury to the husband of the informant.

Submission of the learned counsel for the appellants is that the allegation is not specific. Therefore, the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act cannot be applied with the help of Section 34 or 149 of the Indian Penal Code. The allegation must be specific to prove the charge under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He further submits that the doctor has found injuries on non-vital part of the body of the injured. There is case and counter case. In the circumstances, the appellants deserve protection of anticipatory bail.

Finding substance in the submissions aforesaid, 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 impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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