

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.488 of 2018

Arising Out of PS.Case No. -28 Year- 2017 Thana -SC/ST District- BHOJPUR

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1. Golu Kumar , Son of Kamal Ray,
2. Mukesh Kumar Yadav, Son of Bhola Ray,
3. Kamal Yadav, Son of Bhola Ray,
4. Saroj Kumar, Son of Govind Yadav,
5. Kanahaiya Kumar, Son of Anil Ray, All are resident of Village-
Sakardiah, P.S.- Koilwar, Dist- Bhojpur, Ara.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shiv Prasad Gupta, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-03-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned A.D.J.-I, Ara in connection with SC/ST P.S.Case No. 28 of 2017 registered under Sections 448,341,323,379,429,504,506,354,34 of the Indian Penal Code as well as under Sections 3(i)(R)(S)/3(2)(5a) of the Scheduled Castes and Scheduled Tribes Act.

Specific allegation of commission of abuse by taking caste name is against appellant-Mukesh Kumar Yadav. Hence, his prayer for anticipatory bail is barred under Section 18 of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

There is general and omnibus allegation against other appellants.

Submission is that the attribution must be specific to attract the offence of the special statute.

Hence, let appellant Nos.1,3,4 and 5, 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) each with two sureties of the like amount each to the satisfaction of 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, this appeal stands partly allowed and partly dismissed.

(Birendra Kumar, J)

Nitesh/-

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