

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.601 of 2018

Arising Out of PS.Case No. -170 Year- 2014 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Ramnath Paswan son of Lal Dhari Bhagat
2. Sanjay Paswan, son of Shankar Paswan,
Both are resident of Village Rasulpur Ousty, P.S. Mahua, Distt. Vaishali at
Hajipur

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 28-02-2018

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** by the learned Additional Sessions Judge-1st, Vaishali at Hajipur in ABP No. 2171 of 2017 arising out of Mahua P.S. Case No. 170 of 2014 registered under Sections 147, 149, 447, 341, 323, 509 and 307 of the Indian Penal Code as well as Sections 3(v)(viii) (x) of the SC/ST Act.

Submission is that the appellants are also members of schedule tribes hence, offence of provisions of SC/ST Act is not attributable against the appellants.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the nature of allegation for the offence under IPC, a co-ordinate Bench has granted anticipatory bail to other accused persons in



Criminal Miscellaneous No. 45733 of 2015, vide Annexure 3. 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 bond 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 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 and 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 allowed.

(Birendra Kumar, J)

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