

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.610 of 2018

Arising Out of PS.Case No. -329 Year- 2017 Thana -BIRPUR District- SUPAUL

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1. MD. NAVI HUSSAIN @ NAVI HUSSAIN @ NAVI HASAN, S/o Hussain @ Mohammad Miya,
2. Md. Azad S/o Md. Hussain @ Mohammad Miyan,
3. Md. Hussain @ Mohammad Miya S/o Late Sanichar Mian, All are R/o Village- Nathbari, Ward No. 12, P.S.- Balua Bazar, District- Supaul.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nafisuzzoha

For the Respondent/s : Mr. Sri Sadanand Paswan

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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 District Judge-1st-cum-Special Judge, Supaul in A.B.A. No. 1183 of 2017 arising out of Birpur (Balua Bazar) P.S. Case No. 329 of 2017 registered under Sections 447, 341, 323, 379/34 of the Indian Penal Code as well as Sections 3(i)(r) of the SC/ST Act.

A civil dispute is going on between the parties for land and in the aforesaid background allegation is that the appellants and others abused the informant by taking his caste name.

Submission is that there is no material to substantiate that the appellants were intending to humiliate a member of the schedule caste and allegation is there due to land dispute. Appellants have got no criminal



antecedent.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the aforesaid facts, 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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