

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.329 of 2018

Arising Out of PS.Case No. -176 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Raj Kishore Roy, S/o Ramawatar Roy, Resident of Village- Harnathchak, P.S.- Gopalpur, District- Bhagalpur. At present- Mohalla- Dak Bangla Road, Post Office Building, At + P.O.+ P.S.- Mokama, District- Patna.
 2. Satrugan Manjhi, S/o Shyali Manjhi, Resident of Mohalla- Indra Nagar, P.S.- Mokama, District- Patna.
 3. Papu Yadav, S/o Vishundev Yadav, Resident of Mohalla- Indra Nagar, P.S.- Mokama, District- Patna.
 4. Sanjay Yadav, S/o Vishundev Yadav, Resident of Mohalla- Indra Nagar, P.S.- Mokama, District- Patna.
 5. Simpall Yadav, S/o Vishundev Yadav, Resident of Mohalla- Indra Nagar, P.S.- Mokama, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Awadh Bihari Ram S/o. late Ram Prasad Ram, R/o. Mithapur, Kirshi Farm, P.S. Jakanpur, District- Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jayram Sharma, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 15-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in Special Case No.176 of 2017 arising out of Complaint Case No.176 of 2017, registered under Sections 341/323/504 of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The complainant was a Class-IV employee in the office where the petitioner No.1 was I/C. of the Research Centre. The allegation petition would reveal that the complainant had made some complaint against appellant Raj Kumar Roy in the matter of some appointment done by him in unauthorized manner. For that reason the appellant allegedly abused the complainant by taking his caste name.

Though initially allegation of assault is against all the accused persons but the same has not been corroborated and witness No.2 Vijay Kumar Sah examined in the case has specifically denied the allegation.

Considering the background and in consistency in the evidence, 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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