

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.430 of 2018

Arising Out of PS.Case No. -4 Year- 2018 Thana -SC/ST District- PATNA

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1. Arvind Kumar Sikariwal, S/o Late Murli Manohar Singh, Upgraded Middle School, Rasalpur, P.S.- Fatuha, District- Patna, Permanent resident of Village+P.O.- Baraon Kala, P.S.- Darihat, District- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 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 Special Judge (S.C./S.T.)-cum-Addl. Session Judge-V Patna in ABP No. 637 of 2018 arising out of SC/ST/M P.S. Case No. 04 of 2018 registered under Sections 341, 323, 352, 427, 504/34 of the Indian Penal Code as well as Sections 3(i)(r) of the SC/ST Act.

The informant is head-master of the school where the petitioner and co-accused Kiran Sinha are teachers. The informant had lodged another case bearing Fathua P.S. Case No. 14 of 2018 for the occurrence of the same day i.e. 09.01.2018 vide Annexure-2 wherein he has not alleged any thing that the appellant or Kiran Sinha abused him by taking caste name. After delay of 7 days, the present F.I.R. was lodged for the occurrence of 09.01.2018 itself.



Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the serious infirmity in the aforesaid submission, let the appellant, above named, in the event of his 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) 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 appellant 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 appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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