

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1513 of 2018

Arising Out of PS.Case No. -85 Year- 2018 Thana -BYPASS District- PATNA

- =====
1. Anita Devi Wife of Kishunee Ram @ Sadhu Jee
 2. Karu Kumar @ Deepak Kumar
 3. Chhotu Kumar Both Sons of Kishunee Ram @ Sadhujee All residents of Village - Gulzarbagh Railway Station Ke Dakshin Railway Colony, Police Station- Bypass, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-05-2018

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 5th Additional Sessions Judge-cum-Special Judge, Patna in Bypass P.S. Case No. 85 of 2018 registered under Sections 341, 323, 504/34 of the Indian Penal Code as well as Section 3(xi) of the SC/ST Act.

The informant who is a member of the scheduled caste married 8 to 9 years back with Dinesh Rai a non-scheduled caste person. The people of nearby locality were underscoring the informant and for that reason when the informant had gone to bring water from the referred water pump, she was abused by appellant no. 1 Anita Devi by taking her



caste name and other appellants assaulted.

Submission of the learned counsel for the appellants is that the informant was no longer a member of the scheduled caste once she married with non-scheduled caste person, hence, SC/ST Act is not applicable, at least, for the purpose of consideration of this prayer for anticipatory bail.

Considering the background and nature of allegation, 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/- (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, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

