

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3165 of 2017

Arising Out of PS.Case No. -82 Year- 2017 Thana -SC/ST District- MUZAFFARPUR

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1. Haresh Chandra Thakur @ Haresh Thakur, Son of Late Yogeshwar Thakur
 2. Vikram Thakur, Son of Haresh Thakur
 3. Vikas Thakur @ Vikas Chandra Thakur, Son of Haresh Chandra Thakur
 4. Chandrakala Devi @ Parmela Devi, Wife of Haresh Chandra Thakur @ Haresh Thakur

All are Resident of Village – Balra Kishun Das Tola, Police Station
– Maniyari, District Muzaffarpur

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kumar @ Vijay Kr. Singh
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 09-01-2018

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.), Muzaffarpur in SC/ST P.S. Case No. 82 of 2017 registered under Sections 354, 323, 341, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(s)3(1)(w)(i) of the SC/ST Act.

Since the guava tree of the informant had tilted towards the land of the appellants, who are neighbours of the informant, the



occurrence of assault was, allegedly, committed by the appellants and others. There is no allegation of taking caste name nor there is allegation that the occurrence of assault took place in public view.

Considering the background and nature of allegation, in my view, the bar under Section 18 of the SC/ST Act is not attracted, 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 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, this appeal stands allowed.

(Birendra Kumar, J)

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