

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3330 of 2017**

Arising Out of PS.Case No. -59 Year- 2015 Thana -SC/ST District- ARRARIA

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1. Md. Kapil, Son of Late Nago Mian.
  2. Md. Kuddus, Son of Late Nago Mian.
  3. Md. Rustam, Son of Late Nago Mian.
  4. Nasiba Khatoon, Wife of Md. Kapil All resident of Village Dhobaniya  
Tikkar Ward No. 2, Bishanpur Police Station Raniganj, District- Araria.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Mukesh Kumar Rana

For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      31-01-2018

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 1<sup>st</sup> Additional Sessions-cum-Special Judge (POA) Act, Araria in Special Case No. 190 of 2017 arising out of Araria SC/ST P.S. Case No. 59 of 2015 registered under Sections 341, 323, 354A, 406, 504/34 of the Indian Penal Code as well as Section 3(i)(x) of the SC/ST Act.

The FIR would reveal that there was dispute arising out of usufructuary mortgage between the parties and for that reason, the appellants abused the informant by taking caste name and



committed assault and theft.

Submission of the learned counsel for the appellants is that after investigation, the police did not find the allegation true and submitted final report as allegation untrue. However, on protest petition cognizance has been taken in this case.

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 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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