

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3012 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

=====

1. Santosh Rai @ Santosh Kumar Rai,
2. Sanjay Rai @ Sanjay Kumar Rai, Both Sons of Sri Satyanarayan Rai @
Satyanarayan Mahto, Resident of Village- Bajitpur Bombaiya P.S.-
Bibhutipur, District- Samastipur.

.... Appellants

Versus

The State of Bihar.

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Diwakar Prasad Singh, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 16-01-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Special Judge, SC/ST Act at Samastipur in connection with Bibhutipur P.S.Case No. 44 of 2017 registered under Sections 341,323,325,307/34 of the Indian Penal Code as well as under Sections 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

The appellants allegedly caused injury with Khanti to the informant and his brother. The Doctor has found simple injury as per the injury report filed with supplementary affidavit. The occurrence took place for land



dispute. There is no mention in the FIR that the appellants took caste name of the informant or were intending to humiliate the caste name.

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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bibhutipur P.S. Case No. 44 of 2017, 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

