

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3503 of 2017

Arising Out of PS.Case No. -22 Year- 2013 Thana -SC/ST District- VAISHALI(HAJIPUR)

- =====
1. Bhuneshwar Sah @ Bhuvneshwar Sah, S/o Late Jamun Sah,
 2. Ramesh Kumar Sah,
 3. Dharmendra Kumar @ Dharmendra Kumar Sah Both Sons Bhuneshwar Sah @ Bhuvneshwar Sah,
 4. Dilip Sah S/o Late Bholu Sah, All R/o Village- Chakeyaj, P.S.- Desari (Sahdei O.P.), District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rina Sinha

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 10-01-2018

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 Additional Sessions Judge-1st, Vaishali at Hazipur in SC/ST P.S. Case No. 22 of 2013 registered under Sections 323, 341, 406, 504/34 of the Indian Penal Code as well as Section 3(i)(x) of the SC/ST Act.

The FIR does not reveal that “what the appellants uttered” as caste name of the informant. Moreover, the dispute suddenly took place on the way as the appellants desired to know



about the status of Rs.10,000/- sanctioned for 'Indira Awas' to the son of the informant.

Considering the fact that there is no substantial material even to remotely infer that the appellants had any intention to humiliate a member of the Scheduled Caste and the appellants have stated on oath that they have got no criminal antecedent, 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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