

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3447 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. Raman Jha @ Raman Kumar Jha
2. Chaman Jha @ Chaman Kumar Jha. Both Sons of Ram Suresh Jha. Both
are Resident of Village-Silout, P.S. Muffasil, District-Samastipur.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Jai Prakash Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 16-02-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned First Additional Sessions Judge, Samastipur in connection with Muffasil P.S.Case No. 23 of 2017 corresponding to G.R.No.151 of 2017 registered under Sections 341,323,354,504,506/34 of the Indian Penal Code as well as under Sections 3(1)(F)3(1)(g)3(1)(r) 3(1)(r) of the Scheduled Castes and Scheduled Tribes Act.

The allegation of commission of abuse by taking caste name of the informant is against Ram Suresh Jha, the father of the appellants. There is no such allegation against



the appellants and no vicarious liability can be fixed in absence of specific provision, to attract the offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not applicable in the matter of the appellants.

Therefore, 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 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/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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