

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3532 of 2017

Arising Out of PS.Case No. -126 Year- 2017 Thana -VISHNUPAD District- GAYA

- =====
1. Sunaina Devi, Wife of Gopal Prajapat,
 2. Gopal Prajapat, Son of Late Ganga Prajapat,
 3. Pitir Prajapat, Son of Late Ganga Prajapat,
 4. Survin Prajapat, Son of Gopal Prajapat,
 5. Shekhar Prajapat, Son of Gopal Prajapat, All resident of Village-
Lakhanpura, Police Station Vishunpad, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shivendra Kumar 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 Special Judge (S.C./S.T.), Gaya in Vishunpad P.S. Case No. 126 of 2017 registered under Sections 341, 323, 354, 448, 504, 506, 427/34 of the Indian Penal Code as well as Section 3(1)(s) of the SC/ST Act.

There is case and counter case. The occurrence, allegedly, took place at the house of the informant. There is no material to substantiate that the occurrence took place in public



view.

Hence, in my view, the bar under Section 18 of the SC/ST Act is not attracted against the appellants, accordingly, 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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