

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3535 of 2017

Arising Out of PS.Case No. -862 Year- 2016 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Pankaj Kumar,
 2. Rahul Kumar, Both sons of Rajesh Singh.
 3. Geeta Devi, W/o Rajesh Singh, All are R/o village- Deoriya, P.S.- Kutumba, Distt.- Aurangabad (Bihar).
 4. Bhola Kumar Singh @ Bhola Singh, Sons of Suresh Singh, R/o Village- Siris, P.S.- Baroon, Distt.- Aurangabad.
 5. Pradeep Singh, son of Suresh Singh, R/o Village- Namnagar, P.S.- Tandwa, Dist. - Aurangabad (Bihar).

.... Appellant/s

Versus

1. The State of Bihar.
2. Shanti Devi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Birendra Kumar Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 02-02-2018

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.), Aurangabad (Bihar) in Tr. No. 08 of 2017 arising out of Complaint Case No. 862 of 2016 registered under Sections 341, 323, 379, 354 of the Indian Penal Code as well as Section 3 of the SC/ST Act.

The appellants are neighbours of the informant.

For the occurrence of 03.10.2016 complaint petition was filed on



03.11.2016 with allegation as per the statement of the complainant on oath that the appellants abused and assaulted to the complainant and committed theft also.

Learned counsel for the appellants submits that the statement of the complainant on oath would clearly reveal that no offence under the SC/ST Act is disclosed.

On the other hand, learned counsel for the complainant opposed the prayer for bail on the ground that the witnesses, examined during inquiry under Section 202 Cr.P.C., have stated that the appellants have abused by taking caste name of the complainant.

Considering the statement on oath of the complainant wherein she had not alleged any offence said to be committed by the appellants under the provisions of the SC/ST Act, in my view, the bar under Section 18 of the SC/ST Act is not applicable. Hence, 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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