

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3547 of 2017

Arising Out of PS.Case No. -227 Year- 2016 Thana -BATHNAHA District- SITAMARHI

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1. Mahendra Paswan, S/o Late Krit Paswan,
 2. Ramvinesh Paswan S/o Tej Narayan Paswan,
 3. Sikindar Paswan S/o Darshan Paswan,
 4. Shivji Paswan S/o Ratneshwar Paswan,
 5. Bechan Paswan S/o Darshan Paswan, All R/o Village- Dighi, P.S.- Bathnaha, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 29-03-2018

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 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Sitamarhi, in connection with Bathnaha Police Station Case No.227 of 2016 registered under Sections 147/148/341/323/324/307/436/504/506 of the Indian Penal Code. Later on S.D.P.O., Sadar Sitamarhi, found the case true under Sections 147/149/324/504 of the Indian Penal Code and Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act, 1989.

The appellants are also member of the scheduled caste. There is general and omnibus allegation of commission of assault. Specific allegation is against the appellant Ramvinesh Paswan that he ablaze the house of the informant. The case-diary would reveal that the police have not reported in the case-diary whether during inspection of place of occurrence he found any sign of burn or not. In the circumstances, by order dated 08.02.2018 the Superintendent of Police, Sitamarhi, was directed to take appropriate action in the matter. The Superintendent of Police has simply reported that departmental proceeding is going to be initiated against the erring investigating officer.

Considering the fact that there is no substantial material against the appellants, 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/- (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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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