

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4 of 2018

Arising Out of PS.Case No. -68 Year- 2017 Thana -ALIPUR District- GAYA

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1. Deepak Kumar son of Late Ganga Prasad
2. Shyam Sunder Kumar son of Jattu Mahto
3. Ram Babu Kumar son of Vinda Mahto
4. Raj Kumar Mahto son of Dukhi Mahto
5. Sanjay Mahto son of Rohan Mahto All residents of village - Sadopur,
Police Station - Alipur, District - Gaya.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Vijay Kumar, Adv.

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

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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.), Gaya in Alipur P.S. Case No. 68 of 2017 registered under Sections 147, 148, 149, 323, 325 of the Indian Penal Code as well as Section 3(I)(X) of the SC/ST Act.

The FIR does not reveal that there is allegation of humiliation to a member of the Scheduled Castes and Scheduled Tribes. There is allegation of commission of assault by the appellants and others.

Considering the aforesaid facts, in my view, the



bar under Section 18 of the SC/ST Act is not attracted, 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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