

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3267 of 2017

Arising Out of PS.Case No. -74 Year- 2016 Thana -ATRI District- GAYA

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1. Arvind Kumar @ Arvind Kumar Singh @ Arvind Singh.
 2. Rajesh Kumar @ Rakesh Kumar. Sl. nos. 1 & 2 are sons of Late Ram Balak Singh.
 3. Kunal Kumar, Son of Arvind Kumar @ Arvind Kumar Singh. All are Resident of Village- Sarsu, P.S.- Atri, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.
2. Mahesh Chaudhary, Son of Bangali Chaudhary, Resident of Village- Chandpura Tola Mathpar, P.S. Atri, District- Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Hansraj, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

9 31-01-2018 The delay in filing of this appeal is explained in I.A. No.137 of 2018. Hence, the same is condoned.

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Gaya, in Atri Police Station Case No.74 of 2016 registered under Sections 341/323/308/379/504/506/34/171(G) of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The informant is a teacher and his wife was a candidate for the post of Mukhiya. Allegation against the appellants is that in the night the appellants intercepted the informant and asked as to why wife of the informant is contesting election for the post of Mukhiya from unreserved seat though she is entitled to contest in the reserve seat and for that reason there is general and omnibus allegation of commission of abuse and assault by taking caste name.

Learned counsel for the appellants submits that the case-diary would reveal that there is no other eyewitness nor the occurrence took place in public view or the appellants were intending to humiliate a member of the scheduled caste. Hence, bar under Section 18 of the Act is not attracted.

Finding substance in the submission aforesaid, 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 appeal stands allowed.

(Birendra Kumar, J)

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