

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4186 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- LAKHISARAI District- Lakhisarai

1. Sonu Kumar @ Rahul Kumar
2. Rocky Kumar @ Manish Kumar Both are sons of Upendra Ram. Both are Resident of Village- Mahisona, P.O.- Mahisona, P.S.- Lakhisarai, Distt.- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shubham Kumar Son of Nawal Kishore Das, Resident of Village- Mahisona, P.S. Lakhisarai, Distt.- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arjun Pd. Keshri
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-12-2018

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 vide order dated 25.09.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Lakhisarai in A.B.P. No.537 of 2018, arising out of Lakhisarai Police Station Case No.48 of 2018 registered under Sections 341, 323, 504, 307/34 of the Indian Penal Code and Sections 3(i)(r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The occurrence of assault and abuse allegedly took place at the time of procession of immersion of the idol of goddess *Saraswati*.



Submission is that general and omnibus allegation is there and the circumstances under the which the act is alleged does not justify that the appellants were intending to humiliate the members of the scheduled caste.

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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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