

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.812 of 2018

Arising Out of PS.Case No. -103 Year- 2017 Thana -SC/ST District- BHABHUA (KAIMUR)

- =====
1. Mantu Dhobi, S/o Budhu Dhobi,
 2. Budhu Dhobi S/o Jag Narayan Dhobi,
 3. Mintu Teli @ Mantu Sah, S/o Jawahar Sah, All are R/o Village- Kamhari, P.S.- Kudhani, District- Kaimur at Bhabua.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Parwej Khan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-06-2018

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 Additional Sessions Judge 1st -cum-Special Judge, Kaimur at Bhabua, in connection with SC/ST Bhabua Police Station Case No.103 of 2017 registered under Sections 341/323/504/506/354/34 of the Indian Penal Code and Sections 3(i) (r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The goat of the informant grazed the wheat crop of the appellants for that reason the appellants abused the informant by taking caste name and subsequently assaulted.

Submission of the learned counsel for the appellants is that



initially the appellant Nos.1 and 2 were also members of the Scheduled Caste. However, they got converted as muslim. Moreover, the allegation does not reveal that the appellants were intending to humiliate the members of the Scheduled Caste.

Considering the facts 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 impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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