

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.796 of 2018

Arising Out of PS.Case No. -308 Year- 2017 Thana -DULHIN BAZAR District- PATNA

- =====
1. Kulwant Saw @ Kulwant Singh @ Kulavant Saw, Son of Jahuri Saw,
 2. Amit Kumar,
 3. Ankit Kumar, Both Sons of Kulwant Saw @ Kulwant Singh @ Kulavant Saw,
Resident of Village- Achhua, P.S.- Dulhin Bazar, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Sinha, Advocate

For the Respondent/s : Mr. Binay Krishna, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-06-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by order dated 05.02.2018 in A.B.P. No. 707 of 2018 passed by the learned Special Judge (S.C./S.T.) Act-cum-5th Additional Sessions Judge, Patna in connection with Dulhin Bazar P.S. Case No. 308 of 2017 registered under Sections 341, 323, 325 and 504/34 of the Indian Penal Code as well as Section 3(1)(r) of the SC/ST Act.

The circumstances leading to the occurrence of abuse and assault allegedly committed by the appellants would reveal



that the appellants were not intending to humiliate a member of the scheduled caste. There is counter case also.

Considering the aforesaid fact, 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, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/Sanjeev

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

