

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3014 of 2018

Arising Out of PS. Case No.-78 Year-2012 Thana- SC/ST District- Purnia

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1. Heera Yadav @ Heera Lal Yadav, Son of Suraj Yadav.
 2. Pappu Yadav @ Pappu Kumar, son of Suraj Yadav.
 3. Rabin Yadav, son of Late Bhagwat Yadav.
 4. Rajesh Yadav @ Rajesh Kumar, son of Surju Yadav @ Sarju Yadav.
 5. Rinku Yadav @ Rinku Kumar, son of Ramchandra Yadav, All Resident of Village- Dhamdaha South Tola, P.S. Dhamdaha, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijendra Kumar Singh
For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-10-2018

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 08.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea in A.B.P. No.26 of 2018, arising out of SC/ST Police Station Case No.78 of 2012 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellants appeared before the Police in pursuance of notice under Section 41 of the Code of Criminal Procedure.



Thereafter, the Police inquired from them and allowed them to go after execution of bond that they will appear before the Court when required. Apparently, the appellants are on Police bail and they have no apprehension of being arrested in this case.

Submission of the learned counsel for the appellants is that charge-sheet has already been submitted. Most of the offences of the Indian Penal Code alleged against the appellants are bailable, except offence under Section 379 of the Indian Penal Code, which is ornamental one.

His contention is that the appellants apprehend their arrest in this case in the event of arrest, by the learned court below.

Since there is no allegation of misuse of the aforesaid privilege granted by the Police, there is no reason that the appellants would be sent to jail in the event of their surrender before the court below considering the fact that offences of the Indian Penal Code alleged are mostly bailable. Hence, this application stands disposed of with direction to the appellants to surrender within four weeks and pray for regular bail.

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

