

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3442 of 2017

Arising Out of PS.Case No. -435 Year- 2017 Thana -KHAGARIA District- KHAGARIA

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1. Banti Kumar Yadav, Son of Bijen Yadav
2. Lakshman Kumar Yadav, Son of Baraiyalal Yadav
3. Mohit Kumar Yadav, Son of Suraj Yadav All Resident of Village-
Babhangama, P.S. & District-Khagaria.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sada Nand Roy

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 17-01-2018

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 the learned 1st Additional Sessions Judge-cum-Special Judge, Khagaria in Khagaria (Gangaur) P.S. Case No. 435 of 2017 registered under Sections 323, 341, 504, 56, 354/34 of the Indian Penal Code as well as Section 3(i) (r) (s) (w) (i) of the SC/ST Act.

Allegation in the F.I.R. is that the appellants assaulted the informant and her husband when they were on the way to Village Babhangawan.



Submission of learned counsel for the appellant is that there is no allegation of commission of abuse by taking caste name by the appellant nor the occurrence allegedly, took place in public view rather the case diary would reveal that a ball, played by the children, hit the husband of the informant, as a result whereof, abuse and assault has taken place.

Considering the above 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, this appeal stands allowed.

(Birendra Kumar, J)

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