

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1227 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -SC/ST District- MADHEPURA

-
1. Sai Islam, S/o Late Sah Ulfat
 2. Bibi Fatima @ Fatma, W/o Sai Islam
 3. Md. Siraf @ Sirajul Haque @ Md. Siraju @ Md. Siraj, S/o Md. Wahid
 4. Md. Afak, S/o Sai Islam

All are residents of Village – Chausa, P.S. Chausa, District Madhepura

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-05-2018

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 3rd Additional Chief Judicial Magistrate, Madhepura in Madhepura S.C./S.T. P.S. Case No. 10 of 2016 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code as well as Section 3(1)(s)(e) of the SC/ST Act.

When the informant demanded her wages from the appellants, they allegedly abused by taking caste name and committed assault and theft. Other witnesses have also supported the allegation



against the appellants.

Learned counsel for the appellants submits that it is highly improbable that for non-payment of due wages besides the head of the family Sai Islam, his wife, relation and son would also participate in the occurrence. Moreover, there is general and omnibus allegation against others.

Considering the facts aforesaid, I am not inclined to enlarge the appellant no. 1 Sai Islam on anticipatory bail. Hence, prayer for anticipatory bail of the appellant no. 1 Sai Islam is refused. He is directed to surrender within a period of two weeks from today and pray for regular bail.

Other appellants who are wife, friend and son of Sai Islam and allegation is general and omnibus against them, hence, let the appellant nos. 2, 3 and 4, namely, Bibi Fatima @ Fatma, Md. Siraf @ Sirajul Haque @ Md. Siraju @ Md. Siraj and Md. Afak, 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 appellant nos. 2, 3 and 4 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 appellant nos. 2, 3 and 4.

Accordingly, this appeal stands partly allowed and partly dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	14.05.2018
Transmission Date	14.05.2018

