

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1257 of 2018

Arising Out of PS.Case No. -169 Year- 2017 Thana -MANIGACHI District- DARBHANGA

1. Md. Jahoor @ Jadoor S/o Jabbar
2. Md. Rafique @ Rafique S/o Md. Noor @ Md. Noore
3. Md. Hafiz @ Hafiz S/o Md. Noor @ Md. Noore All residents of Village - Putai,
P.S. - Manigachi, District - Darbhanga. Appellant/s

Versus

1. The State of Bihar. Respondent/s

Appearance :

For the Appellant/s : Mr. Kedar Jha, Adv

For the Respondent/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-07-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 15.02.2018 by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Darbhanga in connection with Manigachi P.S.Case No. 169 of 2017 (G.R.No.133 of 2017) registered under Sections 147, 148, 149, 341, 323, 324, 307, 354, 379, 504 of the Indian Penal Code as well as under Sections 3(1)(r)(s)(w),(3)(2)(V) of the Scheduled Castes and Scheduled Tribes Act.

The FIR was lodged for the occurrence allegedly committed by other named accused persons, who are also members of the scheduled castes. The occurrence took place on 02.08.2017.

The same FIR reveals that the appellants had also



committed assault and abuse by taking caste name on 01.08.2017 against the informant. However, the injury report does not reveal that the Doctor examined any injury on 01.08.2017 rather the injury is of 02.08.2017 which is alleged against other accused persons.

Considering the aforesaid facts, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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