

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1458 of 2018

Arising Out of PS.Case No. -21 Year- 2018 Thana -NABINAGAR District- AURANGABAD

- =====
1. Shashi Singh, S/o Jitendra Singh,
 2. Ajay Singh S/o Ram Singh, Both are R/o Vill.- Simri, P.S.- Nabinagar, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-07-2018

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 against the refusal of prayer for anticipatory bail vide order dated 06.04.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Aurangabad, in Nabinagar Police Station Case No.21 of 2018, registered under Sections 341/323/352/504/34 of the Indian Penal Code and Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellants are not co-villager of the informant. There is allegation of commission of assault at the road.



Submission is that the FIR does not disclose that caste name of the informant was taken nor it discloses that the appellants had knowledge of the caste of the informant. Hence, offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not attracted.

Finding substance in the submission, 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/- (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/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 the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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