

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1425 of 2018

Arising Out of PS.Case No. -38 Year- 2016 Thana -SC/ST District- SARAN

- =====
1. Dwarika Sharma, S/o Late Lakhichand Sharma,
 2. Chandan Sharma @ Chandan Kr. Sharma,
 3. Nandan Sharma @ Nandan Kr. Sharma Both are Sons of Dwarika Sharma,
 4. Kanchan Sharma @ Kanchan Kumar Sharma, S/o Late Kedar Sharma, All are
R/o Vill.- Naya Tola, Harazi, P.S.- Awatar Nagar, District- Saran, Chapra.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-07-2018

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 24.03.2018 passed by learned 1st Additional Sessions Judge, Saran at Chapra, in A.B.P. No.801 of 2018, arising out of Chapra SC/ST Police Station Case No.38 of 2016, registered under Sections 341/323/354/379/504/506/34 of the Indian Penal Code and Section 3(i)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that all the appellants belong to the Lohar



caste, as such, are members of the Scheduled Caste. Allegations under the Indian Penal Code are mostly bailable.

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 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
CAV DATE	NA
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