

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1517 of 2018

Arising Out of PS. Case No.-20 Year-2015 Thana- SC/ST District- Sheikhpura

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1. Saryug Sao @ Sanjay Sao @ Sanjay Kumar
 2. Guddu Sao @ Guddu Kumar.
 3. Jacky Kumar, All Sl.No. 1 to 3 son of Tilak Sao, resident of Village- Pachna, P.S.- Pachna Sheikhpura, District- Sheikhpura, Present Address- C/o- Rajnandan Prasad, R/o- Mohalla- Lalbag Ward No. 15, P.S.- Sheikhpura, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Anjani Pd. Singh
For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-05-2018 Heard learned counsel for the appellants and learned Special P.P. for the State as well as counsel for the informant.

This is an appeal under Section 14A(2) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 against refusal of the prayer for anticipatory bail in connection with Sheikhpura SC/ST P.S. case no. 20 of 2015 registered under Sections 341, 323, 504, and 506 of the Indian Penal Code and Section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the appellants have submitted that there is specific allegation against the appellant nos. 1 and 3 of committing overt act under SC/ST Act as mentioned in



detail in the complaint petition. In the complaint petition it is alleged that petitioner no.1 abused the complainant by taking his caste name and appellant no.3 misbehaved with the complainant as mentioned in detail in the complaint petition by taking his caste name. Therefore, this Court does not find any illegality in the impugned order so far as appellant nos. 1 and 3 are concerned. Therefore, this Court is not inclined to grant anticipatory bail to the appellant nos. 1 and 3. Prayer for anticipatory bail of appellant nos. 1 and 3 is rejected.

The appellant nos.1 and 3 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

So far as the allegation against appellant no.2 is concerned, there is general and omnibus allegation that he assaulted the complainant.

Considering the aforesaid facts, this appeal, so far appellant no.2 is concerned, the same is allowed and impugned order is set aside. Let the appellant no.2, above named, in the event of his arrest/surrender within six weeks from today in connection with Sheikhpura SC/ST P. S. case no. 20/15, appellant no.2 shall be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Sheikhpura, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) appellant shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the appellant and (3) if appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(Sanjay Priya, J)

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