

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1524 of 2018

Arising Out of PS.Case No. -154 Year- 2018 Thana -BARACHATTI District- GAYA

1. Shashi Bhusan Dubey, Son of Late Uday Narayan Dubey, resident of Mohalla-
Mallahchak, P.S.- Jehanabad, District- Jehanabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

WITH

Criminal Appeal (SJ) No. 1357 of 2018

Arising Out of PS.Case No. -154 Year- 2018 Thana -BARACHATTI District- GAYA

1. Ramanand Prasad, Son of Kailash Mahto, Resident of Village- Musaila, P.S.-
Mohanpur, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

WITH

Criminal Appeal (SJ) No. 1611 of 2018

Arising Out of PS.Case No. -154 Year- 2018 Thana -BARACHATTI District- GAYA

1. Jagan Dubey @ Prabhat Kumar Dubey S/o Laxmi Narayan Dubey, R/o Vill.-
Sohpur, P.S.- Mohanpur, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

(In CR. APP (SJ) Nos.1524 and 1357 of 2018)

For the Appellant/s : Mr. Sanjeev Kumar, Advocate

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

(In CR. APP (SJ) No.1611 of 2018)

For the Appellant/s : Mr. Sanjeev Kumar, Advocate

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



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 by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in connection with Barachatti (Mohanpur) Police Station Case No.154 of 2018, registered under Sections 341/323/353/333/504/506/34 of the Indian Penal Code and Sections 4 and 21 of Mines and Mineral (Development and Regulation) Act, 1957, Rules 4 and 40 of Bihar Minor Mineral Regulation Rules, 1972, sub-rule 4/5(a)/5(c)/8(a) of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the police had gone to raid the illegal mining of sand near the river side. A driver was arrested by the police. Allegation is that to get the release of the driver the people started scuffling with the police. They even abused to the local Chaukidar, who is a member of the scheduled caste and they obstructed in discharge of the official duty.

Submission is that name of the appellants surfaced during



investigation. Two of the appellants are named in the FIR due to enmity with the local Chaukidar and one of the appellant is not named in the FIR.

Considering the background and nature of allegation, 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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