

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1436 of 2018

Arising Out of PS.Case No. -835 Year- 2017 Thana -PHULWARI District- PATNA

- =====
1. Sunita Devi, W/o Sri Umesh Rai,
 2. Umesh Rai S/o Late Baldeo Rai,
 3. Upendra Rai S/o Late Baldeo Rai, All R/o Vill.- Bhusoula Danapur, Pokharpar,
P.S.- Phulawari Sharif, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Pandey, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

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 08.12.2018 by the learned Additional Sessions Judge-V-cum-Special Judge (S.C./S.T. Act), Patna, in A.B.P. No.780 of 2018, arising out of Phulwari Sharif Police Station Case No.835 of 2017, registered under Sections 341/323/504/506/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant allegedly abused and assaulted to the informant for the reason that she was using the ditch by the side of



village for attending the call of nature. The appellants have got no criminal antecedent.

Considering the reason of the occurrence it is evident that the appellants were not intended to humiliate a member of scheduled caste, 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
Uploading Date	09.08.2018
Transmission Date	09.08.2018

