

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.597 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -SC/ST District- BHABHUA (KAIMUR)

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1. Osiyar Kushwaha, son of Munna Kushwaha,
 2. Gulab Kushwaha,
 3. Kashi Kushwaha Both are sons of Late Lalji Kushwaha,
 4. Dayanand Kushwaha, son of Shiv Parsan Kushwaha
 5. Nande Kushwaha, son of Ram Nagina Kushwaha
 6. Vijay Kushwaha, son of Late Damuder Kushwaha
 7. Shiv Shankar Kushwaha, son of Vijay Kushwaha
 8. Amit Kushwaha, son of Lalji Kushwaha
 9. Ashok Kushwaha, son of Ram Nihore Kushwaha, All are residents of Village- Bichhia, P.S.- Durgawati, District- Kaimur (Bhabhua).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Saroj Kumar Sharma, Advocate
Mst. Kiran Kumari Sharma, Advocate
For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 19-06-2018

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 Additional Sessions Judge-I-cum-Special Judge, Kaimur at Bhabhua, in connection with SC/ST Bhabhua Police Station Case No.62 of 2017 registered under Sections 147/148/149/448/323/307/504/427 of the Indian Penal Code and Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



There is general and omnibus allegation of commission of assault against the appellants for the reason that appellant No.1 had teased the informant by taking caste name thereafter the informant gave a slap to one of the appellants.

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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