

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1840 of 2018

Arising Out of PS.Case No. -5 Year- 2016 Thana -SC/ST District- ARRARIA

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1. Ranjan Singh @ Bantiya Singh, Son of Prakash Singh,
2. Jitendra Kumar, Son of Ramdayal Singh, Both are residents of Chauhan Tola,
Ward No.10, Thila Mohan, Police Station- Narpatganj, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Mandal, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-08-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 16.04.2018 in A.B.P. No.448 of 2018 passed by the learned 1st Additional Sessions Judge, Araria in connection with Special Case No.32 of 2017 arising out of Araria S.C./S.T. P.S.Case No. 05 of 2016 registered under Sections 341,323,326,307,354-B, 504,506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

For trivial disputes arising during course of immersion of idol, there is general and omnibus allegation



against several persons to have abused and assaulted the informant by caste name. Specific allegation is against younger brother of co-accused- Ghanshyam Singh to have poured the hot oil on the body of the informant and others.

Submission is that the appellants are not brother of Ghanshyam Singh. There is no specific allegation against the appellants, they have got no criminal antecedent and the manner and reason of occurrence would reveal that the appellants were not intending to humiliate a member of scheduled castes and scheduled tribes.

Finding substance in the submission aforesaid, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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