

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2363 of 2018

Arising Out of PS.Case No. -83 Year- 2018 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

=====

1. Jakarullah Dewan,
2. Bhulai Dewan Both Sons of Late Rajjak Dewan,
3. Bismillah Dewan S/o Late Badu Dewan, All R/o Vill.- Chanki Gadh, P.S.-
Shikarpur, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Aditya Nath Jha, Adv

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-09-2018

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 24.05.2018 in A.B.P. No.746 of 2018 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge, Bettiah West Champaran in connection with Shikarpur P.S.Case No. 83 of 2018 registered under Sections 341,323,324,379,504/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.



There is case and counter case. Earlier case was lodged by the appellants' side vide Annexure-2. In the present FIR, allegation is that when the informant saw that the goats of the appellants were damaging his crop, he caught them out. Being infuriated the appellants, allegedly committed occurrence of assault. Appellants have stated on oath that they have got no criminal antecedent.

Considering the background of allegation and the facts leading to the allegation, it cannot be inferred that the appellants were intending to humiliate a member of the scheduled caste, hence, 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
Uploading Date	26.09.2018
Transmission Date	26.09.2018

