

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2276 of 2018

Arising Out of PS.Case No. -33 Year- 2018 Thana -CHIRAIYA District- EASTCHAMPARAN
(MOTIHARI)

- =====
1. Pawan Kumar, Son of Jai Kishore Rai
 2. Vikrash Kumar @ Bilash Kumar @ Vikash Kumar, Son of Ramagya Rai
 3. Brajesh Kumar, Son of Ramagya Rai
 4. Avanish Kumar, Son of Sanjay Yadav
 5. Bidyanand Rai @ Bidyanand Kumar, Son of Pramod Yadav

All resident of village Ruphara, Police Station Shikarganj, District
East Champaran

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-09-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.05.2018 in A.B.P. No. 825 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Chiraiya P.S. Case No. 33 of 2018 registered under Sections 147, 341, 323, 394, 379, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.



According to FIR, the appellants and others were member of a procession for immersion of the idol. They were playing vulgar music with loud sound which was protested by the informant and others as old grandfather of the informant was suffering from hurt ailment. For that reason, the occurrence of abuse, assault and theft was committed.

Learned counsel for the informant opposed the prayer for bail.

Considering the background of allegation, it cannot be said that the appellants were intending to humiliate a member of the scheduled caste as well as considering the general and omnibus nature of allegation and statement of the appellants that they have got no criminal antecedent, 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/- (rupees 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 as well as condition that both the bailors shall be



resident of within the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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