

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2401 of 2018

Arising Out of P.S.Case No. -240 Year- 2017 Thana -ROHTAS District- SASARAM (ROHTAS)

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1. Lav Kumar S/o Late Ramjee Singh, R/o Nimiya Dhaunda, P.S.- Rohtas, District-Rohtas.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Tripathi, 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 03.04.2018 in A.B.P. No.204 of 2018 passed by the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Rohtas P.S.Case No. 240 of 2017 registered under Sections 341,323,504,307/34 of the Indian Penal Code as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

The allegation in the FIR would reveal that the appellant and others intercepted the husband of the informant and asked about the reason for not distributing the P.D.S.



articles. Then started abuse and later on another co-accused and the appellant came and committed assault.

Submission is that the mere allegation would reveal that the appellant was not intending to humiliate a member of scheduled caste rather the query of the appellant regarding reason for non-distribution of a P.D.S. article, infuriated the informant in lodging of the present case. Co-accused- Lakshaman Singh has already been allowed anticipatory bail by a Coordinate Bench of this Court in Cr. Appeal (SJ) No.1923 of 2018.

Finding substance in the submission aforesaid, let the appellant, above named, in the event of his 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) 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 appellant 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 appellant.



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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