

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3054 of 2018

Arising Out of PS. Case No.-118 Year-2018 Thana- SISWAN District- Siwan

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1. Krishna Patel, Son of Satyanarayan Prasad,
 2. Bullet Kumar Patel @ Bullet Patel, Son of Shyamdhari Prasad @ Shyamdhari Patel,
 3. Manish Patel, Son of Ramdhari Prasad,
 4. Nipu Kumar Patel @ Nikku Patel @ Nippu Patel, Son of America Prasad,
 5. Chumbak Kumar Patel @ Chumbak Patel, Son of Shyamdhari Prasad @ Shyamdhari Patel
 6. Shyamdhari Patel @ Shyamdhari Prasad, Son of Chamru Prasad.
 7. Bhushann Patel @ Bhushan Prasad, Son of Shyamdhari Prasad @ Shyamdhari Patel.
 8. Jayshree Prasad, Son of Rajdeo Prasad,
 9. Kuldeep Kumar @ Kuldeep Patel @ Kuldeep Kr. Patel, Son of Raju Prasad.
 10. Amit Patel @ Amin Patel, Son of Nageshwar Prasad.
 11. Anup Patel, Son of Nageshwar Prasad, All are resident of Village- Chittauli, Police Station- Siswan, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anuj Kumar
For the Respondent/s	:	Smt. Usha Kumari No-1
For the Informant	:	Mr. Niranjan Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 19.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in A.B.P. No.1139 of 2018, arising out of Siswan Chainpur



Police Station Case No.118 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 337, 427 and 504 of the Indian Penal Code and Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

There is case and counter case. The occurrence took place allegedly for the reason that children of the family of the informant came at the doorstep of the appellants while they were playing. The injury report found on the person of so called injureds reveal that they sustained injury by hard and blunt substance simple in nature on non-vital part of the body.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that prima facie allegation under the S.C. & S.T. Act is disclosed in the F.I.R. and evidence of the witnesses. Therefore, prayer for anticipatory bail is not maintainable.

Considering the background of allegation, which is counter case of the appellants as well as nature of allegation and material available on the record, coupled with the fact that appellants have stated on oath 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

