

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3073 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -SIMRI District- DARBHANGA

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1. Md. Anzar Khan son of Md. Hussain Khan
 2. Md. Mansoor Khan son of Khalil Khan
 3. Md. Ilyas Khan son of Md. Idris Khan
 4. Mehtab Khan @ Md. Mehtab Khan,
 5. Gaush Khan @ Md. Gaush Khan, Both sons of Isha Khan
 6. Jahani Begum wife of Isha Khan
 7. Md. Iftekhar Khan son of Md. Gaffar Khan
 8. Aale Nabi Khan son of Md. Nasim Khan
 9. Md. Istekhar Khan @ Md. Istekhar son of Md. Jamaullah All residents of village Gaura P.S. Simri, District Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Md. Shah nawz Ali, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

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 against the refusal of prayer for anticipatory bail vide order dated 02.07.2018 passed by the learned Sessions Judge, Darbhanga, in A.B.P. No.607 of 2018, arising out of Simri Police Station Case No.17 of 2018, registered under Sections 147/148/341 /342 /323 /379 /427/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The occurrence took place for the reason that the appellants were playing music by obstructing the way which caused inconvenience to the Barat Party which has come for the marriage of a



girl in the family of the informant.

Submission is that the background of the allegation does not reveal that the appellants were intending to humiliate a member of scheduled caste.

Considering the aforesaid facts, 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/- (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.

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

(Birendra Kumar, J)

Mkr./-

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