

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3128 of 2018

Arising Out of PS.Case No. -70 Year- 2018 Thana -SIRDALA District- NAWADA

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1. Gautam Kumar, S/o Kailash Prasad
 2. Haridwar Prasad @ Haridwar Kumar, S/o Tulsi Prasad @ Tulsi Yadav
 3. Bugal Kumar @ Vikas Kumar, S/o Umesh Prasad @ Umesh Kumar, All Residents of Vill. - Chandabigha, P.S.- Sirdalla, District - Nawada.

.... Appellant/s

Versus

1. 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: 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.07.2018 in A.B.P. No. 1090/18/90/18 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with Sirdalla P.S. Case No. 70 of 2018 registered under Sections 147, 148, 341, 323, 307, 353, 332, 333, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

According to FIR, a quarrel was going on between two groups of villagers. When the informant Chaukidar went to pacify the matter, there is allegation that the appellants allegedly abused by taking caste name and assaulted him.



Submission is that false allegation is there for the reason that the informant was helping his caste men wrongly and the background of occurrence would make it clear that the appellants were not intending to humiliate a member of the scheduled caste.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the aforesaid fact, 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.
CA V DATE	N.A.
Uploading Date	07.09.2018
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