

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2744 of 2018

Arising Out of PS.Case No. -221 Year- 2016 Thana -TARAIYA District- SARAN

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1. Angad Sahani S/o Late Nand Kishore Sahani
 2. Ram Babu Sahani S/o Late Nand Kishore Sahani
 3. Sampat Kuar W/o Late Nand Kishore Sahani
 4. Chandrawati Devi W/o Kalika Sahani
 5. Shanti Devi W/o Late Shyam Bahadur Sahani All residents of Village - Puchbhinda, P.S. Taraiya, Dist - Saran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 24-08-2018

Learned counsel for the appellants is permitted to make correction in paragraph-1 of the memo of appeal.

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 02.06.2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra, in A.B.P. No.1282 of 2018, arising out of Taraiya Police Station Case No.221 of 2016, registered under Sections 341/323/427/379/452/504/34 of the Indian Penal Code and Section



3(1)(2)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission of the learned counsel for the appellants is that appellant Angad Sahani has love affairs with the daughter of the informant of this case. On the call of the daughter of the informant, appellant Angad Sahani has gone to her house. Appellant Angad Sahani was apprehended thereat by the informant and others and informant lodged the case of theft against appellant Angad Sahani vide Taraiya P.S. Case No.188 of 2016.

During investigation of that case two independent witnesses in paragraphs 25 and 26 of the case-diary stated before the police regarding love-affairs between the two. In the aforesaid background allegation in the present complaint based is that the appellant committed abused, assault as well as theft.

Submission is that just to pressurize that the two may not marry, false cases one after another were lodged.

Learned counsel for the informant opposed the prayer on the ground that even if it is assumed to be some affairs between the two that cannot be a ground to abuse and assault a member of scheduled caste subsequent to the aforesaid occurrence.

Considering the background and general and omnibus nature of allegation wherein the female members of the family have



been implicated, 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./-

AFR/NAFR	NAFR
CAV DATE	NA
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