

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3228 of 2018

Arising Out of PS. Case No.-247 Year-2017 Thana- KHAIRA District- Saran

-
-
1. Jitendra Singh @ Jitendra Kumar Singh, S/o Kamlesh Singh,
2. Punyadeo Singh @ Pundeo Singh S/o Late Ramjit Singh, Both
R/o Vill.- Srinagar, P.S.- Khaira, District- Saran.... ... Appellant/s
Versus

The State of Bihar

... ... Respondent/s

Appearance :

For the Appellant/s : Mr. Nalin Kumar, Adv

For the Respondent/s : Mr. Smt Usha Kumari No-1,SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 13-12-2018

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 03.08.2018 in A.B.P. No.2269 of 2018 arising out of Khaira P.S.Case No.247 of 2017 passed by the learned 1st Additional Sessions Judge, Saran at Chapra registered under Sections 341,323,504/34 of the Indian Penal Code and Sections 3(i)(r)(s)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes Act.

On 17.09.2017, the husband of the informant filed a petition before the police that in the night of 16.09.2017, some children of the village threw cow-dung etc on him. When the husband of the informant was to chase them, the appellants herein abused by taking caste name. The aforesaid petition is at Annexure-2 which was enquired and reported for initiation of a proceeding under Section 107 Cr.P.C. by the police vide Annexure-2 series. In



the aforesaid background, allegation is that on 19.09.2017, the appellants abused the informant by taking caste name, when she was returning to her house.

Considering the background of allegation and general and omnibus nature of allegation as well as statement of the appellants 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each 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 further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2018
Transmission Date	14.12.2018

