

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3492 of 2018

Arising Out of PS. Case No.-360 Year-2018 Thana- SHERGHATI District- Gaya

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1. Pawan Prasad,
 2. Arvind Kumar @ Arvind Prasad, Both sons of Late Ram Autar Mahto, Both R/o Mohalla- Ram Mandir, P.S.- Sherghati, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar Singh
For the Respondent/s : Mr. Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

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 09.08.2018 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No.178 of 2018, arising out of Sherghati Police Station Case No.360 of 2018 registered under Sections 341, 323, 325, 504, 506/34 of the Indian Penal Code and Sections 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant No.2, *Arvind Kumar @ Arvind Prasad* is driver of the truck on which the informant was a cleaner. Another appellant i.e. appellant No.1, *Pawan Prasad* is brother of appellant No.2, *Arvind Kumar @ Arvind Prasad*.



Allegation is that when the informant demanded for his due wages, the appellants abused by taking caste name and committed assault. The appellants have stated on oath that they have got no criminal antecedent.

Submission is that there was no occasion or reason to demand due wages from the appellants because the same could have been demanded from the owner of the truck.

Considering the entire facts aforesaid, 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	NAFR
CAV DATE	N.A.
Uploading Date	07.12.2018
Transmission Date	07.12.2018

