

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3546 of 2018

Arising Out of PS. Case No.-81 Year-2015 Thana- SHASTRINAGAR District- Patna

1. Md. Firdaus @ Md. Firdaus Alam Son of Md. Kamaluddin, R/o Village-
Gyan Bigha, Post Office- Bathani, P.S.-Nimchak Bathani, District-Gaya.
2. Zeeshan @ Zeeshan Mohammad @ Md. Zeeshan Mohammad, Son of
Mohammad Taiyab, R/o Village-Sauranji, P.S.-Utri Nimchak Bathani,
District-Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Shamimul Hoda, Adv
For the Respondent/s : Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-12-2018

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 08.08.2018 in A.B.P. No.5663 of 2018 passed by the learned Special Judge SC/ST Act-cum-Additional Sessions Judge-IVth, Patna in connection with Shastrinagar P.S.Case No. 81 of 2015 registered under Sections 370 of the Indian Penal Code, Section 23/26 of J.J. Act, 3/4 of Child Labour Prohibition Act and Sections 3(i)(vi) of the Scheduled Castes and Scheduled Tribes Act.

Some children were rescued at Hyderabad



being used as child labour. An FIR was registered thereat against the appellants also with allegation that the appellants and others were involved in bringing the children for labour purpose. The appellants were allowed regular bail by learned 4th Additional Metropolitan Sessions Judge, Hyderabad vide Annexure-3.

Submission is that when the children returned to the State of Bihar from where they belong, the present case was registered. Contention is that for same cause of action, the appellants should not be sent to jail twice.

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 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
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