

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1052 of 2017

Arising Out of PS.Case No. -197 Year- 2015 Thana -SONEPUR District- SARAN

- =====
1. Shankar Rai son of Mathura Rai
 2. Munna Rai @ Munna Kumar Son of Shankar Rai
 3. Dipak @ Dipak Rai @ Dilip Rai son of Prakash Rai All residents of Village - Shivpur, PS Sonepur, District - Saran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhananjay Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 17-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge 1st -cum-Special Judge (S.C./S.T. Act), Saran at Chapra, in Sonpur Police Station Case No.197 of 2015 registered under Sections 147/149/436/448/427/506 of the Indian Penal Code and Sections 3(i) (ii)(x)(xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The prosecution case is that on 21.05.2015 at 2:00 pm the hut of the some caste-men of the informant caught fire when the villagers came to extinguish the fire but due to fear of some



antisocial elements, the villagers went away. It is alleged that prior to the occurrence on 09.05.2015, the dead body of one Shailendra Rai was recovered from the bamboo clumps when it was suspected that informant's caste-men assaulted the victim. It is further alleged that the petitioners' side used to threat the informant's side.

It is submitted by learned counsel for the appellants that the whole accusation is based on suspicion and due to caste rivalry, the apprehension arose in the mind of the informant. For the occurrence of 21.05.2015 at 8.30 pm, the FIR was registered on 22.05.2015 at 4:00 pm. Subsequently, the informant has retracted from initial version and has filed a petition to that effect before the learned Court-below, the same has been brought on record as Annexure-2 to the petition. Moreover, a statement has been made in paragraph 3 of the petition that the appellants have no criminal antecedent.

Considering the suspicious nature of accusation, 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 appeal stands allowed.

(Birendra Kumar, J)

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