

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3423 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -SC/ST BAGHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Master Singh son of Late Teju Singh
 2. Chandeshwar Singh @ Vidhayak Singh @ Chandra Shekhar Singh
 3. Jitendra Singh
 4. Pitambar Singh, Petitioner nos. 2 to 4 sons of Sri Master Singh All residents of village - Pakargawan Khairpokhra, P.S. Bagaha, District - West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-01-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran at Bettiah in Bagaha SC/ST P.S. Case No. 12 of 2017 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code as well as Section 3(1)(g) of the SC/ST Act.

For land dispute, the appellants, allegedly, abused and assaulted to the informant.

The FIR or the case diary does not reveal that the



appellants were intending to humiliate a member of the Schedule Caste.

Learned Special Public Prosecutor submits that investigation is complete and the appellants were already allowed the privilege of Section 41 of the Cr.P.C. Hence, there is no apprehension of arrest.

Since the learned court below has refused the prayer for anticipatory bail to the appellants by the impugned order, in my view, in absence of any material for refusal, the appellants are entitled for anticipatory bail. Hence, the impugned order is set aside.

Hence, 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 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 and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of



the appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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