

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3428 of 2017

Arising Out of PS.Case No. -163 Year- 2017 Thana -DARAUNDHA District- SIWAN

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1. Binod Sah, S/o Nag Narayan Sah.
2. Raju Sah @ Saju Sah, S/o Late Swaminath Sah,
3. Abhishek Kumar Sah @ Abhisek Sah, S/o Binod Sah.
4. Sweta Kumari @ Sbhawati Kumari @ Swati Kumari, D/o Binod Sah.
5. Umesh Chandra Kumar Sah @ Umesh Sah, S/o Late Swaminath Sah.
All 1 to 5 are resident of Village- Rangrauli, P.S.- Duraundha, District-
Siwan. Appellants

Versus

The State of Bihar. Respondent

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 29-01-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Additional Sessions Judge-1st, Siwan in connection with Daraundha P.S.Case No. 163 of 2017 registered under Sections 341, 323, 324, 354, 447, 504 & 34 of the Indian Penal Code as well as under Sections 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, allegation of abuse by taking caste name of the informant in public place is against appellant no.3 Abhisek Kumar Sah @ Abhisek Sah. Hence, his prayer for anticipatory bail is not maintainable.

Accordingly, the prayer for anticipatory bail of the



appellant No.3, Abhisek Kumar Sah @ Abhisek Sah stands dismissed.

There is no such allegation against appellant Nos.1, 2, 4 and 5, who were also present at the time of occurrence and had committed an occurrence of assault. Prima facie no offence under SC/ST Act for the purpose of this appeal is made out against these appellants.

Hence, let the appellant Nos.1, 2, 4 and 5, 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 Daraundha P.S. Case No. 163 of 2017, 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 partly allowed and partly dismissed.

(Birendra Kumar, J)

Nitesh/-

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