

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3582 of 2017

Arising Out of PS.Case No. -36 Year- 2015 Thana -SC/ST District- SITAMARHI

- =====
1. Binod Sah, Son of Ram Laxhan Sah,
 2. Nathuni Sah, Son of Yaduni Sah, Both resident of Village- Gauri, P.S.-
Nanpur, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Devendra Kumar

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 10-01-2018

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 Special Judge (S.C./S.T.), Sitamarhi in Sitamarhi SC/ST P.S. Case No. 36 of 2015 registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code as well as Section 3(i)(x)(xi) of the SC/ST Act.

The informant was a cook in the school. She was absent for some period. However, after reopening of the school, she came to join the work. The Principal co-accused Chanchal Kumar informed that she has already been removed. Thereafter she demanded her wages and for that dispute, the main allegation is against the Principal of commission of abuse and assault



knowing that the informant is a member of the Scheduled Caste.

Considering the nature of the case the Principal Chanchal Kumar has already been allowed anticipatory bail by a Coordinate Bench of this Court vide order dated 05.04.2016 passed in Cr. Misc. No. 13309 of 2016. The appellants were member of the committee which had removed the informant from service.

Considering the 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 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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