

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.8 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -NARDIGANJ District- NAWADA

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1. Gautam Chauhan Son of Rajendra Chauhan
2. Rajkumar Chauhan Son of Rajendra Chauhan
3. Pankaj Chauhan @ Pankaj Kumar Chauhan Son of Anil Chauhan All are
resident of Village - Baghmarwa, Police Station - Nardiganj, in the district
of Nawada.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Vijay Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 02-02-2018

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 the learned 1st Additional Sessions Judge-cum-Special Judge, Nawada in connection with Nardiganj P.S.Case No. 116 of 2017 registered under Sections 147,148,149,341,323,324,307,504,506 of the Indian Penal Code as well as under Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellants allegedly assaulted to the informant for some previous disputes, arising out of teasing a girl of the village.



Submission is that a bare perusal of the FIR would reveal non-disclosure of any ingredient of any offence said to be committed under the provisions of S.C./S.T Act . Hence, bar under Section 18 of the said Act is not applicable. Moreover, the allegation is not specific.

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 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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