

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3558 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -DHANKUND District- BANKA

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1. Prayag Yadav, Son of Late Gudri Yadav
 2. Sanjay Yadav, Son of Sri Prayag Yadav
 3. Manika Devi, Wife of Sri Prayag Yadav
 4. Putul Devi, Wife of Sri Sanjay Yadav
 5. Neelam Devi, Wife of Sri Karu Yadav
 6. Karu Yadav, Son of Sri Prayag Yadav
 7. Sita Devi, Wife of Late Shaligram Singh
 8. Pinki Devi, Wife of Sri Pankaj Singh
 9. Manoj Singh @ Manoj Kumar Singh, Son of Late Bhushan Singh
 10. Bambam Singh @ Bambam Kumar Singh, Son of Siyaram Singh
 11. Munilal Yadav, Son of Chhatish Yadav

All are resident of village Bazardih, P.S. Dhankund, District Banka

..... Appellant/s

Versus

The State of Bihar

..... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Jha
For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 09-01-2018

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 Additional Sessions Judge-1st, Banka in Dhankund P.S. Case No. 48 of 2017 registered under Sections 142, 147, 149, 323, 337, 307, 332, 222,



353 of the Indian Penal Code as well as Section 3(r)(s) of the SC/ST Act.

Appellant No. 7 Sita Devi had filed Complaint Case No. 1080 of 2017 against the informant of this case and others regarding an occurrence dated 09.08.2017. The present FIR also relates to an occurrence dated 09.08.2017 alleging therein general and omnibus that the named persons including the appellants abused the informant who is a policeman by taking his caste name.

Submission is that the false allegation is there to save the skin from the criminal act committed by the informant and others. The Law is for the protection of the members of the Scheduled Castes and Scheduled Tribes and not for abuse at their hands.

The FIR and the background would apparently reveal that there is misuse of abuse of law and in substance in the submission 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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