

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1488 of 2018

Arising Out of PS.Case No. -19 Year- 2018 Thana -MADANPURA District- AURANGABAD

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1. Ravindra Singh, S/o Late Tej Narayan Singh,
 2. Asholock Kumar Singh @ Ashlok Kumar Singh S/o Ravindra Singh, Both are
R/o Vill.- Kamat, P.S.- Madanpur, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.
2. Mahendra Paswan S/o Late Bhikhari Paswan, R/o Vill.- Kazichak Tole Agara
Par, P.S.- Madanpur, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-05-2018

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 (S.C./S.T. Act), Aurangabad in Madanpur P.S. Case No. 19 of 2018 registered under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code as well as Section 3(1)(r), 3(1)(s) of the SC/ST Act.

According to FIR, the informant had taken loan from the appellants on the occasion of marriage of his daughter. According to the informant, the loan amount along with interest was already refunded but the appellants were claiming more interest on that.



Submission of the learned counsel for the appellants is that in fact the principal amount was itself due and just to grab the said money, concocted allegation is there of commission of abuse and assault as well as theft.

Considering the background of relationship between the parties, it cannot be alleged that the appellants had any intention to humiliate a member of the schedule caste, 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, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

