

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.317 of 2018

Arising Out of PS.Case No. -53 Year- 2017 Thana -SALAIYA District- AURANGABAD

- =====
1. Umesh Sharma Son of Ram Bilash Sharma,
 2. Dewan Sharma @ Dawan Sharma Son of Late Suresh Sharma,
 3. Satyanarain Sharma Son of Late Suresh Sharma,
 4. Dukhi Sharma Son of Late Doman Sharma,
 5. Birendra Sharma Son of Bachandeo Sharma
 6. Sonu Sharma Son of Umesh Sharma,
 7. Rajesh Sharma Son of Ram Bilash Sharma,
 8. Surendra Sharma Son of Bachandeo Sharma,
 9. Bhagatiya Devi Wife of Bachandeo Sharma All are Resident of Village-
Pir Bigha, P.S.-Salaiya, District-Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Leelawati Kumari

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-02-2018

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.), Aurangabad in Salaiya P.S. Case No. 53 of 2017 registered under Sections 147, 149, 341, 323, 325, 504 of the Indian Penal Code as well as



Section 3(i)(r)3(2)(va) of the SC/ST Act.

The occurrence of abuse and assault, allegedly, took place for trivial dispute as per the FIR.

A bare perusal of the FIR discloses that no offence under the provisions of the SC/ST Act is prima facie made out for the purpose of consideration of this prayer for anticipatory bail, hence, 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.

The impugned order is, accordingly, set aside and the appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

U		T	
---	--	---	--

