

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.236 of 2018

Arising Out of PS.Case No. -158 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Ramji Prasad
2. Suresh Prasad
3. Rambachan Prasad, All sons of Late Badri Mahto, resident of Village-
Jamuhar, P.S. Mohanpur, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 26-02-2018

Heard learned counsel for the parties.

Order No.3, dated 21.02.2018 has wrongly been typed, as the said order was passed in the record of Cr.Appeal (SJ)No.336 of 2017. Hence, the same be treated as on the record of this case.

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 Special Judge, SC/ST, Gaya in connection with Barachatti (Mohanpur) P.S.Case No. 158 of 2017 registered under Sections 149,341,323,379,504 of the Indian Penal Code as well as under Sections 3(i) (4) (s) of the Scheduled Castes and Scheduled Tribes Act.



The FIR would reveal that there is land dispute between the parties and the proceeding under Section 144 Cr.P.C. is going on.

In the aforesaid background, allegation is of commission of abuse and assault by taking caste name.

Submission of the learned counsel for the appellants is that the allegation is not specific nor the perusal of FIR would reveal that the appellants were intending to humiliate a member of the scheduled caste and scheduled tribe. The entire occurrence took place on obstruction created by the informant.

Considering the aforesaid fact, let the appellant, above named, in the event of thier 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)

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