

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1923 of 2018

Arising Out of PS.Case No. -240 Year- 2017 Thana -ROHTAS District- SASARAM (ROHTAS)

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1. Lakshaman Singh S/o Manrup Singh, R/o Vill.- Nimiya Ghaura, (Baknaura),
P.S.- Rohtas, District- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Deovind Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the parties.

This appeal is barred by limitation of 44 days. The delay is explained in I.A. No.1637 of 2018. Hence, the delay is condoned.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 10.01.2018 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in A.B.P. No.2394 of 2017, arising out of Rohtas Police Station Case No.240 of 2017, registered under Sections 341/323/504/307/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR would reveal that the appellant and others intercepted the husband of the informant and asked as to why he is not distributing the PDS articles. They started abusing. Subsequently,



other accused persons including the appellant came and committed assault.

Submission of the learned counsel for the appellant is that the background of the allegation would reveal that the appellant was not intending to humiliate a member of the scheduled caste; rather different reason was there for alleged occurrence of assault. There is case, and counter case vide Annexure-2 by the appellant.

Considering the aforesaid facts, let the appellant, above named, in the event of his 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/- (Twenty Thousand) 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 appellant 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 appellant.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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