

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2601 of 2018

Arising Out of PS.Case No. -124 Year- 2013 Thana -KHIJARSARAI District- GAYA

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1. Manjay Singh @ Mananjay Singh S/o Late Barham Deo Singh, R/o Vill.-
Nagariawan, P.S.- Khijarsarai, Distt.- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rabindra Prasad Singh, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-08-2018

Heard learned counsel for the parties.

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 order dated 06.06.2018 in A.B.P. No.127 of 2018 passed by the learned Special Judge, SC/ST Gaya in connection with Khizarsarai P.S.Case No. 124 of 2013, G.R.No.2784 of 2013 registered under Sections 341,323,504,34 of the Indian Penal Code as well as under Sections 3(I)(X)of the Scheduled Castes and Scheduled Tribes Act.

The FIR would reveal that the disputes arose out of a contract for construction of the village road and for that reason, the appellant and others allegedly committed assault



and abuse against father-in-law of the informant.

Submission of the learned counsel for the appellant is that in the past prayer for anticipatory bail was refused on 05.01.2018 in Cr.Appeal (SJ) No.3377 of 2017 considering the fact that chargesheet was already submitted against the appellant and others. His contention is that submission of chargesheet is no ground to not entertain the prayer for anticipatory bail after judgment of Hon'ble Supreme Court in DR.SUBHASH KASHINATH MAHAJAN Vs. THE STATE OF MAHARASHTRA AND ANR Case in Cr.Appeal No.416 of 2018 dated 20.03.2018. Moreover, co-accused-Rabindra Singh and others against whom also chargesheet was submitted, were already allowed anticipatory bail by this Court vide Annexure-3.

Considering the nature of allegation, it does not reveal that the appellant was intending to humiliate a member of the scheduled caste, hence, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 and both bailors shall be



resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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