

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.852 of 2018

Arising Out of PS.Case No. -195 Year- 2017 Thana -KALYANPUR District- SAMASTIPUR

- =====
1. Rajeshwar Prasad Singh S/o late Fuddi Singh
 2. Raj Kumar S/o Deep Narayan Singh
 3. Sushil Kumar @ Sushil Prasad Singh S/o Tej Narayan Singh
 4. Phul Babu Kumar S/o Brij Mohan Singh
 5. Munna @ Munna Kumar @ Chandan Kumar S/o Suresh Singh
 6. Sujit Kumar S/o Shivchandra Prasad Singh, All resident of Village - Ladauna, P.S. Kalyanpur, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prem Prakash Poddar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 29-06-2018

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 "S.C./S.T. Act") against the refusal of prayer for anticipatory bail vide order dated 13.02.2018 passed in A.B.P. No.260 of 2018, by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. Act, Samastipur, in connection with Kalyanpur P.S. Case No.195 of 2017, registered under Sections 341, 323, 427, 504, 506/34 of the Indian Penal Code and Section 3 (1) (r) (s) of the S.C./S.T. Act.



Appellant No.6, *Sujit Kumar* has already been arrested. Hence his prayer for anticipatory bail has become infructuous now.

Allegation against other appellants is that meeting of *Vidyalaya Siksha Samiti* was going to start. In the meantime, the appellants allegedly snatched the attendance register from the hand of the informant, who is the Principal of the School and abused him by taking caste name.

Submission of the learned counsel for the appellants is that two of the appellants are either *Ward Councilor* or *Deputy Sarpanch* and such member of the committee. They were simply demanding, the accounts book as well as registers showing distribution of scholarship, from the Headmaster and just to pressurize false case has been lodged. There is case and counter case.

Considering the facts aforesaid, 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 bonds of the appellants.

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

(Birendra Kumar, J)

Abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

