

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1530 of 2018

Arising Out of PS.Case No. -430 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Sheikh Amjad Ali @ Md. Amjad Ali Son of Md. Kasim Resident of Village -
Mahuawa, Binwalia, P.S. - Shikarpur, District - West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satyavrat Verma, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-07-2018

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
against the refusal of prayer for anticipatory bail vide order dated
03.04.2018 passed by the learned 1st Additional Sessions Judge-cum-
Special Judge (S.C./S.T. Act), Bettiah, West Champaran, in A.B.P.
No.336 of 2018, arising out of Shikarpur Police Station Case No.430
of 2017, registered under Sections 323/341/447/504/34 of the Indian
Penal Code and Sections 3(i)(r) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant was contractor of the school building. The
informant protested the construction work. However, the reason for
protest is not mentioned and for that reason allegation is that appellant
abused and assaulted by taking caste name.

Submission is that since the school building was being



constructed in the locality of scheduled caste people, the informant was demanding illegal gratification.

Counter version is that quality of the work was not according to standard, hence, protest was made.

Learned counsel for the informant opposed the prayer mainly on the ground of criminal antecedent of the appellant.

Considering the facts of the case aforesaid as well as allegation and counter allegation, 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
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