

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1039 of 2018

Arising Out of PS.Case No. -101 Year- 2009 Thana -ATRI District- GAYA

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1. Nanhaku Yadav Son of Late Narayan Yadav
2. Chameli Devi W/o Nagendra Yadav Both residents of Village - Mahadeo Bigha (Upathu), P.S. - Atri, District - Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-06-2018

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 against the order dated 01.02.2018 passed in A.B.P. No.29 of 2018 for refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Gaya, in connection with Atri Police Station Case No.101 of 2009 registered under Sections 341/323/324/332/504/379 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation is of commission of abuse and assault by taking caste name of the informant. Police did not send up the appellants for trial. However, the learned Court-below disagreed with the police report had taken cognizance.

Submission of the learned counsel for the appellants is that



when two views are possible, at least for the purpose of consideration of prayer for anticipatory bail, the view in favour of the accused should be taken.

Finding substance in the submission of the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned 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) 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	

