

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2704 of 2018

Arising Out of PS. Case No.-11 Year-2017 Thana- SINGHIYA District- Samastipur

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1. Kishor Singh @ Kishor Kumar Singh, S/o Late Onkar Singh,
 2. Jitendra Singh @ Gaurav @ Goraka, S/o Yoganand Singh, Both residents of Village- Basudeva, P.S.- Singhiya, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. Rajesh Kumar Singh, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 02-11-2018

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 04.07.2018 passed by the learned Additional Sessions Judge-I, Samastipur, in A.B.P. No.1063 of 2018, arising out of Singhiya Police Station Case No.11 of 2017, registered under Sections 341/323/354/504/506/34 of the Indian Penal Code and Section 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant No.1 had taken loan of Rs.1,000/- from



one Bam Saw , a co-villager of the informant. For refund of the aforesaid amount legal notice was sent by the informant, who is local Sarpanch, and for that reason the appellants allegedly abused by taking caste name as to why Sarpanch had issued notice to the appellants. The case-diary would reveal that no other witness has identified the appellants committing the crime alleged. One eyewitness examined by the police has stated that two unknown persons had committed the crime whereas the appellants are the resident of the same Panchayat.

Considering the fact that there is no substantial material against the appellants, 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/- (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	NAFR
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