

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2296 of 2018

Arising Out of PS. Case No.-4 Year-2018 Thana- SC/ST District- Samastipur

Gopal Pandey, son of Sri Ram Shukul Pandey, resident of Village- Jatmalpur
Teera, P.S.- Kalyanpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur
		Mr. Pravin Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-10-2018

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) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 04.06.2018 passed by the learned 1st Additional Sessions Judge, Samastipur in A.B.P. No.971 of 2018, arising out of SC/ST Police Station Case No.04 of 2018 registered under Sections 341, 323, 379, 504 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Though allegation is of commission of abuse and assault by taking caste name of the informant, however, submission is that the witnesses examined before the Police



including, *Ajay Sharma* an Assistant in the Office of Circle Officer did not support the allegation that there was abuse and assault rather they stated that simple quarrel had taken place. The appellant has got no criminal antecedent.

Considering the aforesaid facts, 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 bond of Rs.20,000/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

