

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2469 of 2018

Arising Out of PS.Case No. -107 Year- 2017 Thana -PANCHRUKHI District- SIWAN

- =====
1. Jai Prakash Pandey, Son of Prabhunath Pandey alias Prabhunath Pandey
 2. Santosh Sah alias Santosh Kumar Sah, Son of Late Mohan Sah,
 3. Dinesh Sah alias Dinesh Kumar, Son of Sri Prabhu Sah,
 4. Salman Mian,
 5. Arman Mina, Both (4 to 5) Sons of Mazrul Hauque alias Munna Mian, All residence of Village - Champ Tola Teghra, Police Station - Hussainganj, District - Siwan.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-08-2018

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 “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 21.06.2018 in A.B.P. No. 938 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Siwan in connection with Pachrukhi (Sarai) P.S. Case No. 107 of 2017 registered under Sections 147, 148, 149, 323, 324, 307, 332, 333, 379, 353, 427, 504 of the Indian Penal Code as well as Sections 3(1)(r), 3(2)(va) of the



SC/ST Act.

There is specific allegation against Rajaram Sah to have abused the informant by taking caste name.

It appears that a Coordinate Bench of this Court has already refused prayer for anticipatory bail to Rajaram Sah vide order dated 24.07.2017 passed in Cr. Appeal (SJ) No. 1906 of 2017, while granting anticipatory bail to other 10 accused persons including co-accused Ajit Kumar against whom allegation is of assault at the head of the informant.

There is no specific allegation against the appellants.

Learned Special Public Prosecutor opposed the prayer for bail.

Hence, considering the entire facts, 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/trial of the case, failing which the court below



shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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