

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1185 of 2018

Arising Out of PS.Case No. -55 Year- 2017 Thana -SC/ST District- GAYA

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1. Gaurav Kumar @ Gaorab Singh, Son of Ramanuj Singh @ Anuj,
 2. Ramanuj Singh @ Anuj Singh, Son of Late Kailash Singh,
 3. Vivek Kumar @ Vivek Singh, Son of Late Vijay Singh,
 4. Dipu Kumar @ Deepu Singh, Son of Shri Balram Singh,
 5. Santosh Kumar Singh @ Santosh Singh, Son of Ranjit Singh, All are Resident of Village- Nandu Vigah, Police Station- Belaganj, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Kashyap, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

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 against the refusal of prayer for anticipatory bail vide order dated 12.01.2018 by the learned Special Judge (S.C./S.T. Act), Gaya, in A.B.P. No.13 of 2018, arising out of SC/ST Police Station Case No.55 of 2017, registered under Sections 147/149/341/323/354/436 of the Indian Penal Code and Sections 3(i)(r) & (w)(1)(2)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For trivial dispute relating to fishing from the referred pond there is allegation of commission of assault. The villagers settled the dispute. However, in the night the accused persons including the appellants committed arson in the hut of the informant.



Submission is that in fact there is no witness of the occurrence of commission of arson and only for previous dispute false case has been lodged. The appellant has got no criminal antecedent. Further submission is that the case-diary would reveal that there is no eyewitness of the occurrence.

Learned Special Public Prosecutor does not dispute that there is no eyewitness of the occurrence of arson.

Considering the facts aforesaid, 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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