

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2890 of 2018

Arising Out of PS.Case No. -161 Year- 2018 Thana -GOGRI District- KHAGARIA

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1. Pravin Pandit, son of Devo Pandit
 2. Pappu Pandit, son of Devo Pandit
 3. Ramdhani Pandit, son of Devo Pandit
 4. Devo Pandit, son of Late Gholtu Pandit 1 to 4 R/o Village - Gopalpur, P.S. Gogri, District Khagaria.
 5. Sanjay Tiwari, son of Anup Chourasia
 6. Umakant Choursia, son of Late Dhaneshwar Chourasia, 5 and 6 R/o Village Barhara, P.S. - Gogri, District - Khagaria.

.... 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: 25-09-2018

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 11.07.2018 in A.B.A. No. 40 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Khagaria in connection with Gogri P.S. Case No. 161 of 2018 registered under Sections 341, 323, 504, 506, 429/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.



On the prayer of the appellants, the husband of the informant was forced to remove nuisance under the provisions of Section 133 of the Cr.P.C. In the aforesaid background, allegation is that the appellants committed abuse and assault by taking caste name.

Submission is that the case diary would reveal that witnesses have not supported the genesis of occurrence as disclosed in the FIR. Appellants have got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

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/- (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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