

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.38 of 2018

Arising Out of PS.Case No. -31 Year- 2017 Thana -SC/ST District- GAYA

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1. Bade Prajapat @ Shivnandan Pandit
 2. Kapil Prajapat @ Kapil Pandit
 3. Mithilesh Prajapat All are sons of Kali Prajapat
 4. Babulal @ Krishna Mistry Son of Late Rampati Mistry
 5. Anil Prajapat Son of Mithilesh Prajapat All Resident of Village-Dihuri,
P.S. Atri District-Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjiv Sharan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 08-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Gaya, in SC/ST Police Station Case No.31 of 2017 registered under Sections 427/435/436/379/34 of the Indian Penal Code and Sections 3(1) (r)(s)(g)(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, neither the informant nor her daughter-in-law Babita is an eyewitness of the occurrence as to



who had committed arson in their house. However, they claimed to have seen the appellants fleeing from the place of occurrence. The occurrence allegedly took place for dispute relating to flowing drain water. There is no FIR of the occurrence of abuse by caste name which took place three days back.

Considering the general, omnibus and vague nature of allegation, 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 appeal stands allowed.

(Birendra Kumar, J)

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