

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.543 of 2017**

Arising Out of PS.Case No. -77 Year- 2016 Thana -MUFFASIL District- AURANGABAD

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1. Nilesch Kumar Singh @ Nilesch Singh, son of Rambilash Singh, Resident of Village- Pawai, P.S.- Aurangabad Muffasil, District- Aurangabad.
  2. Subodh Kumar Singh @ Subodh Singh, son of Ram Janam Singh, Resident of Village- Pandariya, P.S.- Madanpur, District- Aurangabad.
  3. Neeraj Kumar Singh, son of Late Binod Singh, Resident of Village- Pawai, P.S.- Aurangabad Muffasil, District- Aurangabad.
  4. Sunil Kumar Singh @ Sunil Singh, son of Mangal Dao Singh, Resident of Village- Dharondha, P.S.- Rishiyap, District- Aurangabad.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Phulendra Kumar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      15-01-2018

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 by the learned Sessions Judge, Aurangabad, in connection with Aurangabad Muffasil Police Station Case No.77 of 2016 registered under Sections 448/341/323/504/34 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There was a written agreement to sell executed by the complainant of this case in favour of the accused persons dated 09.12.2015 vide Annexure-2. Allegation is that the appellants



abused the complainant as the complainant was not executing the sale-deed in pursuance of the agreement. The occurrence allegedly took place on 07.04.2016.

Submission is that the aforesaid fact would reveal that the appellants were not intending to humiliate a member of the scheduled caste; rather they were insisting for execution of sale-deed in pursuance of the agreement between the parties.

Considering the aforesaid 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/- (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)**

Mkr./-

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