

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1588 of 2018

Arising Out of PS.Case No. -115 Year- 2017 Thana -AMAS District- GAYA

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1. Brahamdeo Yadav, Son of Late Baljeet Yadav.
2. Mamta Kumari @ Mamta Devi, D/o Brahamdeo Yadav.
3. Suman Kumari, D/o Brahamdeo Yadav. All R/o Village- Kalwan, P.S. Amas,
Dist.- Gaya. Appellant/s

Versus

1. The State of Bihar.
2. Hari Paswan, Son of Late Sanyogi Paswan, R/o Village- Kalwan, P.S.- Amas,
Dist.- Gaya. Respondent/s

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Appearance :

For the Appellant/s : Mr. S.Jamil Akhtar, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-07-2018

No one appears on behalf of the appellants.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 09.03.2018 by the learned Special Court SC/ST, Gaya in connection with Amas P.S.Case No. 115 of 2017 registered under Sections 341,323,504,506/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

For dispute relating to projecting of Chajja there is general and omnibus allegation against appellant Nos.2 and 3, who are female, of commission of abuse and assault. Specific allegation of commission of abuse and assault is against appellant No.1-Brahamdeo Yadav.



Considering the specific nature of allegation, I am not inclined to enlarge the appellant No.1-Brahamdeo Yadav. Hence, prayer for anticipatory bail is refused.

Other appellants who are female are levelled with general and omnibus allegation of bailable nature. Hence, let the appellant Nos.2 and 3, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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, this appeal is partly dismissed and partly allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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