

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3357 of 2017

Arising Out of PS.Case No. -37 Year- 2017 Thana -MAHILA P.S. District- SEKHPURA

=====

1. Hareram Yadav
2. Chanchan Yadav. Both Sons of Shiv Shankar Yadav.
3. Shiv Shankar Yadav, Son of Baldeo Yadav. All resident of Village-
Aijhi, Police Station- Korma, District- Sheikhpura..... Appellants

Versus

The State of Bihar Respondent

=====

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 29-01-2018 Heard learned counsel for the parties.

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 the learned 1st Additional District & Sessions Judge, Sheikhpura in connection with SC/ST Act Case No. 266 of 2017 arising out of Sheikhpura (Mahila) P.S.Case No. 37 of 2017 registered under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code as well as under Sections 3(2) (va) B (R) (S) W (i)(ii) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, initially, co-accused Guddu Yadav allegedly attempted to sexually assault the informant. In the subsequent occurrence, when the informant and her family members were going to complain to the family



members of Guddu Yadav, the appellants allegedly abused and committed assault.

Submission is that there is no allegation of taking caste name nor the FIR would reveal that the act of the appellants was with intent to humiliate a member of scheduled caste.

Findings substance in the aforesaid submission, 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 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 SC/ST Act Case No. 266 of 2017 arising out of Sheikhpura (Mahila) P.S. Case No. 37 of 2017, 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, this appeal stands allowed and the impugned order is set aside.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

