

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1132 of 2018

Arising Out of PS. Case No.-23 Year-2017 Thana- BALIGAON District- Vaishali

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1. Lakhindra Ram Son of Mahendra Ram Resident of Village- Rupanpatti, P.S. Baligaon, District Vaishali
 2. Bikram Kumar @ Bikram Mahto Son of Shankar Mahto
 3. Dharmendra Rai Son of Late Pitambar Rai
 4. Awadhesh Mahto @ Mirchhaiya Son of Mahesh Mahto
 5. Ravindra Rai @ Babloo Son of Late Pitambar rai All 2 to 4 Resident of Village-Daskarba, P.S. Baligaon. District-Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-07-2018 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 09.03.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST POA Act), Vaishali at Hajipur in A.B.P. No.242 of 2018, arising out of Baligaon Police Station Case No.23 of 2017 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as well as Section 27 of the Arms



Act.

Allegation is of commission of abuse and assault by taking caste name of the informant, who is a member of the scheduled caste.

Submission is that the Case Diary would reveal that appellant *Ravindra Rai @ Babloo* was a former *Mukhiya*, whereas the informant is present *Mukhiya*. There was dispute related to release of money of government scheme under the MANREGA under which the work was done and money was not being released. The witnesses have stated that for that dispute both have assaulted to each other and others implicated in this case.

Considering the background and general and omnibus 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/- (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall



fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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