

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1336 of 2018

Arising Out of PS.Case No. -109 Year- 2016 Thana -PAKARIBARAW District- NAWADA

- =====
1. Karyanand Prabhakar @ Karyanand Singh son of Late Amabika Singh
 2. Ram Dhani Singh son of Late Ambika Singh
 3. Rajesh Kumar alias Rajesh Kumar Singh alias Rajesh Singh son of Ramsaran Singh All resident of village Kharnath, P.S. Pakribarawan, District Nawadah.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari No.I, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-07-2018

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 vide Order dated 08.03.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Nawadah, in A.B.P. No.246 of 2018, arising out of Pakribarawan Police Station Case No.109 of 2016, giving rise to Special Case No.94 of 2017, registered under Sections 147/148/149/341/323/307/504/506 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The witnesses examined by the police in paragraphs 22 to 26 of the case-diary did not support the allegation leveled in the FIR;



rather stated that the children of the family of the appellants were playing with crackers, which caused annoyance to the informant and for that reason occurrence of abuse and assault had taken place.

Considering the background of the allegation, which does not reveal that the appellants were intending to humiliate a member of the scheduled caste, 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 impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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