

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2188 of 2018

Arising Out of PS.Case No. -11 Year- 2018 Thana -SC/ST District- GAYA

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1. Shashi Singh,
 2. Ravi Singh,
 3. Pancham Singh @ Pancham Raj, All three Son of Late Jagdish Singh,
 4. Reena Singh @ Reena Devi, Wife of Shashi Singh,
 5. Deepak Singh @ Dipak Singh, Son of Shashi Singh,
 6. Monu Kumar @ Rohit Raj (Monu),
 7. Sonu Kumar, Both Son of Ravi Singh,
 8. Mini Kumari @ Tripty Kumari (Mini), D/o Ravi Singh, All resident of Village -
Tika Bigha, Bhojbar Bagaicha, P.S. - Bodh Gaya, District - Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-08-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.06.2018 in A.B.P. No. 113 of 2013 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Gaya SC/ST P.S. Case No. 11 of 2018 registered under Sections 147, 149, 341, 323, 325, 354, 380, 448, 504, 506 of the Indian Penal Code as well as



Sections 3(1)(r)(s)(w)(i) of the SC/ST Act.

According to FIR, appellant no. 1 Shashi Singh was going on a two wheeler. As soon as Shashi Singh reached near the house of the informant, he dashed against the breaker and fell down. Shashi Singh suspected that the breaker was put by the informant and other members of the scheduled caste. Hence, he called other appellants and started abuse and assault as well as committed theft.

Submission is that the circumstances under which the occurrence is alleged does not show that the appellants were intending to humiliate a member of the scheduled caste. Moreover, there is counter case also wherein assault and theft was alleged against the prosecution side. Appellants have got no criminal antecedent.

Learned counsel for the informant opposed the prayer for bail on the ground that independent witnesses have also supported the aforesaid allegation.

Considering the entire facts of this case as well as 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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	31.08.2018
Transmission Date	31.08.2018

