

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1727 of 2018

Arising Out of PS.Case No. -25 Year- 2017 Thana -SC/ST District- KISHANGANJ

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1. Radhika Devi wife of Sri Kamal Singh
2. Kamal Singh son of Bhagwat Lal Singh
3. Rina Devi wife of Sri Santosh Malakar All Resident of Village- Tedhari, P.S.-
Jiya Pokhar, District- Kishanganj.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Smt. Lalita Kumari, Adv.

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-08-2018

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 order dated 23.04.2018 by the learned Special Judge SC/ST, Act, Kishanganj in connection with Kishanganj (SC/ST) P.S.Case No. 25 of 2017 registered under Sections 342, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(u) of the Scheduled Castes and Scheduled Tribes Act.

Allegation is against 10 FIR named accused persons to have assaulted to the son of the informant by taking caste name. The case diary would reveal that the witnesses stated that the son of the informant was being assaulted on suspicion that he had stolen the mobile phone.



The aforesaid fact does not show that the appellants were intending to humiliate a member of the scheduled caste. Hence, 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 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, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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