

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1169 of 2018

Arising Out of PS.Case No. -37 Year- 2018 Thana -BELAGANJ District- GAYA

- =====
1. Bhushan Singh @ Ravi Bhushan Kumar, Son of Rajiv Singh @ Rajendra Prasad Singh, Resident of Village - Nehalpur, Police Station - Belaganj, District - Gaya.
 2. Pankaj Singh, Son of Late Nagendra Kumar Singh, Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
 3. Deepak Singh @ Deepak Kumar, Son of Randhir Singh, Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
 4. Rajnish Kumar @ Govind Bhardwaj, Son of Rajesh Kumar, resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
 5. Manish Kumar, Son of Devendra Singh, Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
 6. Pramod Kumar Sharma @ Pramod Singh, Son of Uma Singh, Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
 7. Kundan Singh @ Kundan Kumar, Son of Tarun Singh, Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.
 8. Lovekush Kumar, Son of Akhilesh Singh, Resident of Village- Nehalpur, Police Station- Belaganj, District- Gaya.

.... Appellant/s

Versus

1. 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: 18-08-2018

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 21.02.2018 in A.B.P. No. 39 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Gaya in connection with Belaganj P.S. Case No. 37 of 2018 registered under Sections 147, 149, 341, 323, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r)(s)(y)(za)(A) of the SC/ST Act.

According to FIR, the appellants and others did not allow the informant to cremate the dead body near the Sun Temple. The informant and others were insisting that the dead body were being cremated at that place since years whereas the appellants and others were saying that now temple has been constructed thereat, therefore, the cremation place be shifted.

The Annexure-3 would reveal that the matter was brought to the notice of the authorities side by side and a Panchayati was held thereafter dead body was disposed of at 20 yards distance from the temple.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the background of allegation and the offences of the Indian Penal Code which are alleged against the appellants are bailable, 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	21.08.2018
Transmission Date	21.08.2018

