

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4123 of 2018

Arising Out of PS. Case No.-280 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

1. Kapildeo Singh, Son of Murli Pd. Singh
2. Kundan Bhagat @ Kundan Kumar, Son of Late Madan Bhagat
3. Rupesh Singh @ Rupesh Kumar Singh, Son of Kamleshwari Singh
4. Kamleshwari Singh @ Kamleshwari Prasad Singh, Son of Late Paras Singh
5. Dilip Singh @ Dilip Kumar Singh, Son of Murli Singh
6. Lal Mohan Singh, Son of Sarogi Singh
7. Arbind Kr. Singh @ Arvind Singh, Son of Lal Mohan Singh
8. Bhairo Pd. Singh @ Bhairo Singh, Son of Lal Mohan Singh, All residents of Village – Chandpur, P.S. Jagishpur, Distt. - Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indeshwari Prasad Mandal
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-12-2018

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 14.09.2018 in A.B.P. No. 2037 of 2018 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with Jagdishpur P.S. Case No. 280 of 2018 registered under Sections 147, 149,



341, 323, 307, 504 of the Indian Penal Code as well as Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

Due to quarrel between children of two family, the occurrence of assault was committed by the appellants. The allegation is general and omnibus.

Submission is that the Doctor has found simple injury on the non-vital part of the injured.

The facts of this case 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 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/Banti

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.12.2018
Transmission Date	22.12.2018

