

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3405 of 2017

Arising Out of PS.Case No. -43 Year- 2017 Thana -SC/ST District- MUNGER

- =====
1. Samir Kumar Bind @ Samir Bind son of Manoj Bind
 2. Dhiraj Bind @ Dhiraj Kumar S/o Chamru Bind
 3. Anita Devi W/o Manoj Bind All residents of Village - Muraidi Near High School, P.S. - Haweli Kharagpur, Dist - Munger.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Kishor Prasad

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 03-01-2018

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 by the learned Additional Sessions Judge-1st, Munger in SC/ST Munger P.S. Case No. 43 of 2017 registered under Sections 341, 323, 379, 325, 354, 307, 504, 427/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

The occurrence of assault was, allegedly, committed by the appellants for previous dispute relating to cutting the ridge of field.

Submission of the learned counsel for the appellants is that even the Panchayat had imposed fine on the



informant and just to harass, the present false case has been lodged.

The perusal of FIR would not reveal that the appellants were intending to humiliate the member of the Scheduled Castes nor the occurrence, allegedly, took place within the public purview.

Considering the aforesaid facts, 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 and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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