

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2906 of 2018

Arising Out of PS.Case No. -20 Year- 2015 Thana -SC/ST District- SASARAM (ROHTAS)

- =====
1. Dewanti Kumari @ Dewanti Devi, wife of Kameshwar Singh.
 2. Kameshwar Singh, son of Dudhnath Singh. Both resident of Village- Gamhariya, Police Station- Karakat, District- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajani Kant Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 31-08-2018

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 against the refusal of prayer for anticipatory bail vide order dated 19.06.2018 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in registered Case No.452 of 2017, arising out of SC/ST Dehri Police Station Case No.20 of 2015, registered under Sections 341/323/384/385/504/506/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is headmaster of the school; whereas appellant Dewanti Kumari @ Dewanti Devi is Assistant Teacher and another appellant is husband of Dewanti Kumari @ Dewanti Devi. The informant has leveled allegation against the male and female



teachers of the school of commission of abuse by taking caste name, demand of ransom and of threat to get the informant suspended.

Learned counsel for the appellants submits that there is no material to substantiate that the occurrence took place in public view. Moreover, just to put wrong pressure on teachers, false allegation has been leveled. Hence, bar under Section 18 of the Act is not attracted.

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/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2018
Transmission Date	04.09.2018

