

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.30 of 2018

Arising Out of PS.Case No. -52 Year- 2017 Thana -SC/ST District- ARRARIA

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1. Dayanand Yadav, Son of Late Gotri Yadav,
 2. Tulanand Yadav @ Kulanand Yadav, Son of Late Gotri Yadav,
 3. Rabindra Yadav, Son of Baleshwar Yadav,
 4. Bablu Yadav, Son of Ganeshi Yadav,
 5. Shambhu Yadav, Son of Ganeshi Yadav,
 6. Shankar Yadav, Son of Ganeshi Yadav, All are residents of Village-
Gamhariya Sirsia, Police Station- Bhargama, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 10-01-2018

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 1st Additional Sessions Judge, Araria in Araria SC/ST P.S. Case No. 52 of 2017 registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code as well as Section 3(i)(r) of the SC/ST Act.

Some people were quarreling. When the informant asked to settle the dispute amicably, they started assaulting to the informant. In the last, it is mentioned that the appellants and others abused addressing the informant as



“Adivasi”.

Submission is that the presumption under Section 8(c) of the SC/ST Act is not attracted against the appellants as the appellants were not aware of the caste of the informant. Moreover, the background of allegation would reveal that the appellants had no intention 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 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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