

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.39 of 2018

Arising Out of PS.Case No. -30 Year- 2017 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Chhathu Yadav, Son of Late Bhola Yadav,
 2. Ram Pravesh Yadav, Son of Chhathu Yadav.
 3. Dhamend Yadav @ Dharmendra Yadav, Son of Chhathu Yadav,
resident of Village- Jaita Tola, Parsauna Tapsi, P.S. Palanwa District-
East Champaran.
 4. Noor Alam @ Noor Alam Mian, Son of Peeru Mian,
 5. Amanat Dewan @ Amanatullah, Son of Maulana Ali Ahmad, resident
of Village Binwa Tola Jaitapur, P.S. Palanwa, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shakil Ahmad Khan, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran at Motihari, in Palanwa Police Station Case No.30 of 2017 registered under Sections 147/148/323/504 of the Indian Penal Code and Sections 3(i) (v)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegation of commission of mischief by damaging



the crop is against co-accused Amanat Dewan and specific allegation of commission of abuse by taking caste name is against appellant Chhathu Yadav. Allegation against appellant Nur Alam is of commission of assault with lathi at the head of the informant.

Considering the fact that offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is attracted against the appellant Chhathu Yadav. Hence, his prayer for anticipatory bail is barred under Section 18 of the Act and is accordingly refused.

Since the appellant Noor Alam @ Noor Alam Mian had knowledge that his act might cause death, I am not inclined to grant anticipatory bail to the appellant. Hence, the prayer for anticipatory bail is refused.

Let other appellants, namely, Ram Pravesh Yadav, Dhamend Yadav @ Dharmendra Yadav and Amanat Dewan @ Amanatullah, 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 appeal stands disposed of.

(Birendra Kumar, J)

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