

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.581 of 2018

Arising Out of PS.Case No. -13 Year- 2017 Thana -SC/ST District- SASARAM (ROHTAS)

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Ravi Shankar Prasad Prajapati @ Ravi Shankar Prasad, Son of Late Jagdish Prasad Prajapati, Resident of Mohalla Chaudhary Mohalla, Ward No. 32, Dehri, P.S. Dehri (T), District Rohtas

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-02-2018

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 District & Sessions Judge, Rohtas at Sasaram in SC/ST Dehri P.S. Case No. 13 of 2017 registered under Sections 147, 149, 323, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

For land dispute, there is general and omnibus allegation in the FIR against the named accused and unknown persons to have committed abuse and assault against the informant.

Submission of the learned counsel for the appellant is



that there is no averment that which name of the caste was uttered by the appellant nor there is any specific allegation against the appellant. Hence, bar under Section 18 of the SC/ST is not attracted.

Learned Special Public Prosecutor has opposed the prayer for bail.

In the circumstances, let the appellant, above named, in the event of his 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 bond of Rs.20,000/- (rupees twenty thousand) 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 appellant 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 appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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