

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3489 of 2017

Arising Out of PS.Case No. -257 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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1. Shams Tabrez Khan @ Tabrez Kan , son of Nawiul Haque Khan, Son of Nawiul Haque Khan,
2. Imteyaz Ahmed @ Imteyaz Khan, Son of Hakim Khan,
3. Zainul Abedin Khan @ Zainul Aabedin, Son of Shamimul Haque, All are residents of Village- Semri, P.S.- M.H. Nagar, District- Siwan.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Javed Aslam, Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 05-01-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Additional Sessions Judge, Siwan in connection with Hussainganj (M.H.Nagar)P.S.Case No. 257 of 2017 registered under Sections 323,341,504,506,379/34 of the Indian Penal Code as well as under Sections 3 (i)(x) of the Scheduled Castes and Scheduled Tribes Act.

There is case and counter case and bald allegation of abuse and assault is there by taking caste name. However, it is not specific that which name of the caste was taken by the appellants nor there is material to



substantiate that the appellants had knowledge about the tempo driver, informant of this case about his caste.

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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Hussainganj (M.H.Nagar)P.S.Case No. 257 of 2017, 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, this appeal stands allowed.

(Birendra Kumar, J)

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