

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2328 of 2018

Arising Out of PS.Case No. -134 Year- 2018 Thana -DUMRA District- SITAMARHI

- =====
1. Vishwanath Pandey, S/o Late Mahadev Pandey,
 2. Ram Saheli Devi W/o Vishwanath Pandey, Both Residents of Vill.- Praspatti, P.S.- Dumra, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashhar Mustafa, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-08-2018

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 02.06.2018 passed by the learned Special Judge (S.C./S.T. Act), Sitamarhi, in A.B.P. No.1058 of 2018, arising out of Dumra Police Station Case No.134 of 2018, registered under Sections 341/323/354/504/506/34 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The complaint was filed after more than a month of the occurrence alleging therein that the appellants had assaulted to the ten years son of the informant and when the informant went to complain, the appellants abused her by taking caste name. It is further stated



that the complainant believed that everything took place for the reason that they belong to scheduled caste.

Submission is that the appellants are very old people. They have got no criminal antecedent and false and concocted allegation without any explanation for such delay, the case has been lodged due to village politics.

Considering the facts aforesaid, 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
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