

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3301 of 2017

Arising Out of PS.Case No. -20 Year- 2016 Thana -SC/ST District- MUNGER

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1. Shekh Shamsheer @ Md. Samsheer S/o Late Sk. Eltaf
2. Md. parwez
3. Md. Fidam, Both are Son of Shekh Shamsheer @ Md. Samsheer, All are
resident of Village Wikrampur, P.O. & P.S.-Asarganj, District-Munger.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Gupta, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 16-01-2018

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 Additional Sessions Judge, 1st Munger, in connection with SC/ST Munger P.S.Case No. 20 of 2016 registered under Sections 341,323,354(b), 504,506,34 of the Indian Penal Code as well as under Sections 3(i) (x),3(1) (v),3(1)(xi) of the Scheduled Castes and Scheduled Tribes Act.

Title Suit No.11 of 2015 is going on between the appellant Shekh Shamsheer @ Md.Shamsheer and informant Rani Devi.

In the aforesaid background, allegation is that on 16.05.2016, the accused persons abused the informant by



taking caste name. Thereafter, the dispute was placed before the Village Panchayat and the appellants did not remove their articles from the disputed land.

Considering the background and nature of allegation, it is evident that the appellants were not intending to humiliate to a member of scheduled caste nor there is material to substantiate that what name of the caste was taken by the appellants.

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 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 SC/ST Munger P.S. Case No. 20 of 2016, 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)

Nitesh/-

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