

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2839 of 2018

Arising Out of PS. Case No.-34 Year-2018 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Vikash Kumar, Son of Late Pankaj Singh, resident of Village- Khuriya, P.S.-
Shekhopur Sarai, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Priya Sharan Singh, Adv
For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 03-12-2018

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 order dated 26.05.2018 in A.B.P. No.214 of 2018 passed by the learned 1st Additional District and Sessions Judge, Sheikhpura in connection with Sheikhopur Sarai P.S.Case No. 34 of 2018 and SC/ST Case No.59 of 2018 registered under Sections 147,148,149,448,353,427 of the Indian Penal Code as well as under Sections 3(2)(Va)3(R)S of the Scheduled Castes and Scheduled Tribes Act.

Under the leadership of the appellant, a mob had blocked the road traffic to make success their



programme of "Bharat Band". The mob allegedly damaged the statue of Baba Sahab Bhim Rao Ambedkar.

Submission is that the case diary would reveal that there is no evidence that the appellant was involved in causing to damage the statue nor the appellant has got any criminal antecedent.

Learned counsel for the State opposed the prayer for anticipatory bail on the ground that since the appellant was leading the mob he cannot escape his vicarious liability being a member of the unlawful assembly.

Considering the fact that appellant was not directly engaged in damage to the statue, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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 and further the appellant 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



appellant.

Accordingly, the impugned order is set aside
and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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