

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3115 of 2018

Arising Out of PS.Case No. -28 Year- 2016 Thana -SC/ST District- SARAN

- =====
1. Arun Parashar @ Babloo Singh, S/o Harendra Singh,
 2. Harendra Singh @ Harendra Prasad Singh S/o Late Saryug Singh, Both are R/o Mohalla- Silpi Cinema Gali, P.S.- Chapra Town.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Roy, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

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 23.07.2018 passed by the learned Additional Sessions Judge-I, Saran at Chapra, in A.B.P. No.1587 of 2018, arising out of Saran SC/ST Police Station Case No.28 of 2016, registered under Sections 341/323/504/506 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant Arun Parashar @ Babloo Singh is husband of the Principal of the referred school and appellant Harendra Singh is



father of Arun Parashar. Construction of the said government school building was going on. The informant alleges that the construction was made after encroachment upon the land of the informant. When the informant protested, he was abused and assaulted by the appellants. The informant has already filed a Civil Suit for the same dispute. However, there is no order of injunction.

Learned counsel for the appellants submits that just to pressurize false allegation has been leveled. The school is a government school and the building is a government building. No personal interest is there in the said building of appellants or his wife or the Headmaster of the School, which is a transferable job. Entire allegation is just to pressurize. The construction was going on after approval of the District Magistrate.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that direct allegation disclosing the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is there. Hence, anticipatory bail is not maintainable. Moreover, appellants are accused in Chapra Muffasil P.S. Case No.38 of 2016 lodged by Sub-Inspector of the local police. The perusal of the said FIR would reveal that for the construction of the same school building, allegation is against 100 persons general and omnibus of pelting stones against the police party. Specific



allegation is against appellant No.1 to have snatched rifle of a policeman.

The background of the present case would make it evident that the appellants were not intending to humiliate a members of scheduled caste. 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 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	
CAV DATE	NA
Uploading Date	
Transmission Date	

