

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3356 of 2017

Arising Out of PS.Case No. -102 Year- 2016 Thana -CHAKAI District- JAMUI

- =====
1. Shri Omkar Sharan Prasad @ Omkar Prasad, s/o Late Surendra Prasad.
resident of Village- Nawadih Batpar, P.S.- Chakai, District- Jamui.
 2. Parmeshwari Rai, son of Late Mahabir Rai.
 3. Vijay Rai, son of Parmeshwari Rai.
 4. Ajay Kr. Roy @ Ajay Rai, son of Parmeshwari Rai, All are residents of
Village- Nawada Batpat, P.S.- Chakai, District- Jamui.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Abhishek Anand, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 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 Additional District and Sessions Judge (First), Jamui in connection with Chakai P.S.Case No. 102 of 2016 registered under Sections 341,323,307,504/34 of the Indian Penal Code as well as under Sections 3 (I)(X) of the Scheduled Castes and Scheduled Tribes Act.

Appellant No.2, Parmeshwari Rai had purchased Plot No.958 under Khata No.73 Area 4 and 1/8 decimal from Amrendra Kumar and others through registered sale



deed dated 11.10.2003. A civil dispute arose for the same land and the appellant, Ajay Kumar Roy @ Ajay Rai filed an informatory petition on 11.08.2015 against the informant of this case and others, stating therein that a proceeding under Sections 107 and 144 Cr.P.C. is going on for the same dispute. However, the respondents including the informant of this case are making conspiracy to falsely implicate the appellants in some case. Thereafter, the present complaint case was filed with allegation that for non-payment of wages, the appellants abused the complainant by taking caste name.

Submission of the learned counsel for the appellants is that the complainant has suppressed the civil dispute between the parties in the complaint case and just to maliciously prosecute, false allegation has been levelled. He further submits that the law is for protection of the members of scheduled castes and scheduled tribes and not for abuse by them without any rhyme or reason.

I find substance in the submission of the learned counsel for the appellants 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 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 Chakai P.S.Case No. 102 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)

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