

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.829 of 2018

Arising Out of PS.Case No. -170 Year- 2017 Thana -UJIYARPUR District- SAMASTIPUR

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1. Chhotu Rai @ Chhotu Kumar,
2. Pappu Kumar Rai @ Pappu Kumar Both Sons of Ram Sakal Rai, R/o Village-
Bhagwanpur, Desua, P.S.- Ujiarpur, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-05-2018

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, against refusal of the prayer for anticipatory bail by the learned 1st Additional Sessions Judge, Samastipur in connection with Ujiarpur P.S. Case No. 170/2017 registered under Sections 341, 323 379 and 504/34 of the Indian Penal Code as well as Sections 3(i)(r)(s), 3(2)(Va) of the SC/ST Act.

According to F.I.R., the appellants and others allegedly committed abuse by taking caste name of the informant and also committed assault and theft.

Submission of the learned counsel for the appellants is that the witnesses before the police stated that due to some past act



committed at some other place, the informant intercepted the appellant Chhotu Rai to take revenge and for that reason, both sides quarrelled. The aforesaid facts would reveal that the appellants were not carrying any intention to humiliate a member of the Scheduled Castes and Scheduled Tribes.

Finding substance in submission 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 bond of Rs. 20,000/- (rupees 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 and 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 stands allowed.

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
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