

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1599 of 2018

Arising Out of PS.Case No. -35 Year- 2014 Thana -SC/ST District- SEKHPURA

- =====
1. Md. Mosim @ Md. Mohsim Ali.
 2. Md. Khalid @ Md. Khalik. Both Sons of Late Moin Akhtar
 3. Md. Sufi @ Md. Hamid @. Abdul Hamid, Son of Sattar Mian.
 4. Md. Tohid @ Md. Tohid Alam, Son of Habib Mian.
 5. Md. Kamruddin, Son of Rojan Mian. All Residents of Chodh Dargah, Police Station- Ariyari, District- Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-08-2018

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 17.04.2018 passed by the learned 1st Additional Sessions Judge, Sheikhpura, in A.B.P. No.164 of 2018, arising out of Sheikhpura SC/ST Police Station Case No.35 of 2014, registered under Sections 147/148/341/323/307 of the Indian Penal Code and Sections 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is case and counter case. The occurrence of abuse



and assault was committed for some trivial dispute relating to hanging of open electric wire. The appellants have got no such type of criminal antecedent.

Considering the background and nature of allegation it does not appear that the appellant were intended to humiliate the members of scheduled caste, 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	NAFR
CAV DATE	NA
Uploading Date	04.08.2018
Transmission Date	04.08.2018

