

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.17 of 2018

Arising Out of PS.Case No. -335 Year- 2013 Thana -NANHPUR District- SITAMARHI

- =====
1. Subhash Chandra Thakur @ Subhash Chandra, Son of Ashok Thakur,
 2. Prakash Chandra Thakur @ Prakash Chandra, Son of Ashok Thakur,
- Both are resident of Village- Banul Tola, Ilmat, P.S.- Nanpur, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.
2. Sukeshwar Baitha, Son of Late Gyan Chand Baitha, Resident of Village- Banauol, P.S.- Nanpur, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shiva Shankar Sharma, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-02-2018 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 by the learned Additional Sessions Judge I-cum-Special Judge (S.C./S.T. Act), Sitamarhi, in nanpur Police Station Case No.335 of 2013 registered under Sections 341/379/504/34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant Prakash Chandra Thakur had lodged Nanpur P.S. Case No.316 of 2013 on 08.11.2013 against Suresh Sah for offences under Sections 307/379 and other allied sections of the Penal Code.

Submission is that the present complainant, who is driver of Suresh Sah, lodged the false complaint alleging therein



that on 08.11.2013 the appellants had abused the complainant by taking caste name and subsequently committed assault and theft.

Submission of the learned counsel for the appellants is that the fact of this case and background of the allegation would reveal that appellants would not intend to humiliate the members of scheduled caste; rather the provisions of law has been utilized by the complainant as a sword to take revenge in the earlier case lodged by one of the appellants.

Considering the aforesaid facts, 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 appeal stands allowed.

(Birendra Kumar, J)

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