

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.78 of 2018

Arising Out of PS.Case No. -25 Year- 2016 Thana -PARSAUNI District- SITAMARHI

- =====
1. Rameshwar Thakur, Son of Nakchhed Thakur
 2. Raju @ Raju Thakur
 3. Ranjan Thakur @ Ranjan Kumar
 4. Rajnikant Thakur @ Lalji, All Sons of Rameshwar Thakur, All Residents of Village-Kathaur, P.S.-Parsauni, District-Sitamarhi, at Present Circus Campus-Sitamarhi, P.S. & District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shiv Sager Sharma, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter referred to as the “S.C./S.T. Act”) against the refusal of prayer for anticipatory bail vide order dated 27.11.2017 passed in A.B.P. No.1774 of 2017/252 of 2017, by the learned A.D.J.-I-cum-Special Judge, S.C./S.T. Act, Sitamarhi, in connection with Parsauni P.S. Case No.25 of 2016, registered under Sections 341, 323, 504, 379, 506, 326, 307 of the Indian Penal Code and Section 3(i) (x) of the S.C./S.T. Act.



Informant Ramji Paswan is an accused in Complaint Case No.1810 of 2012 brought by one Vinod Sharma. Ramjee Thakur full brother of appellant Rameshwar Thakur is a witness in that complaint case and other appellants are sons of Rameshwar Thakur. Allegation in the present complaint based F.I.R. is general and omnibus against the appellants of commission of assault, abuse etc. by taking caste name of the informant.

Submission is that the background of allegation would reveal that present prosecution suffers from mala fide just to pressurize the brother of the appellants not to depose in the earlier criminal case.

Learned counsel for the respondent opposed the prayer for anticipatory bail, on the ground that allegation under S.C./S.T. Act is apparently disclosed in the F.I.R. In the F.I.R. the Police has submitted charge sheet after investigation of the case.

Considering the background of the allegation, 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 bonds of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

