

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2791 of 2018

Arising Out of PS. Case No.-204 Year-2018 Thana- BARHARA District- Bhojpur

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1. Ram Bahadur Rai, S/o Late Shivpujan Rai,
 2. Raj Kumar Rai @ Rudal Rai, S/o Manik Rai,
 3. Surendra Rai, S/o Manik Rai,
 4. Manik @ Manika Rai, S/o Late Thakur Rai,
 5. Rintu Rai, S/o Ram Bahadur Rai,
 6. Vicky Rai, S/o Ram Narayan Rai,
 7. Satyadev Rai, S/o Deen Bandhu Rai, All resident of Village- Shivan Chak, P.S.- Barhara, Dist- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sudha Chandra
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 30-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Bhojpur, Ara in A.B.P. No.728 of 2018, arising out of Barhara Police Station Case No.204 of 2018 registered under Sections 147, 148, 149, 341, 323, 337, 384, 353, 504, 506 of the Indian Penal Code and



Sections 3 (i) (r) (S)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Co-accused, *Nirala Rai* had complained to the Superintendent of Police, Bhojpur, Ara, vide *Exhibit-2* that the informant of this case and other Police Constables were allowing the vehicle to move from the village of *Nirala Rai* after taking illegal money from the driver of the vehicles. Thereafter, informant lodged the present case alleging therein that the villagers were collecting illegal money from the vehicle drivers moving from that village. When Police came, they committed mischief by damaging the Police vehicle and abused by taking caste name.

Submission is that none of the villagers has supported the prosecution case, nor any vehicle driver has claimed that the villagers were charging any money from them.

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/- (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/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/-

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CAV DATE	
Uploading Date	
Transmission Date	

