

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2618 of 2018

Arising Out of PS. Case No.-56 Year-2017 Thana- SC/ST District- Gaya

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1. Manoj Sharma.
 2. Mantoo Sharma, Both sons of Gaura Sharma
 3. Munna Sharma @ Munna @ Mukesh Sharma, Son of Bhui Sharma @ Bhuneshwar Sharma,
 4. Murari Sharma @ Murari @ Krishna Murari Sharma, Son of Sanjay Sharma, All resident of Village- Tetaria, P.S.- Tekari, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Senior Advocate
		Mr. Lakshmi Kant Sharma, Advocate
For the Respondent/s	:	Smt. Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-09-2018

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) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.06.2018 passed by the learned Exclusive Special Judge, S.C./S.T. Act. Gaya in A.B.P. No.110 of 2018, arising out of Gaya S.C./S.T. Police Station Case No.56 of 2017 registered under Sections 341, 323, 379, 354, 504/34 of the Indian Penal Code and Sections 3 (i)(r)(s)(wxi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Direct allegation is against appellant No.1, *Manoj Sharma* to have abused and assaulted to the informant on 01.11.2017.

Submission is that concocted allegation is there just to tarnish the political carrier, as *Manoj Sharma* is Chairman of the PACS. The F.I.R. was itself lodged after delay of three days and the first eye witness came before the Police after three months of the F.I.R.

In the aforesaid circumstances, chances of concoction and mala fide prosecution cannot be ruled out. There is general and omnibus allegation against other appellants.

Learned counsel for the State has opposed the prayer on the ground of criminal antecedent of the appellants which are cases registered under the Forest and Arms Act as well as Representation of People's Act.

Considering the aforesaid background and aforesaid infirmity, 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/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

