

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2788 of 2018

Arising Out of P.S.Case No. -71 Year- 2017 Thana -SC/ST District- PURNIA

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1. Manoj Yadav,
2. Binod Yadav,
3. Chichawa @ Pankaj Yadav @ Chichasa Yadav, All Sons of Sattan Yadav,
Resident of Village- Akhaki, Yadav Tola, P.S.- Barhara Kothi, District- Purnea.
.... Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Ranjan Kumar, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 22.06.2018 in A.B.P. No.24 of 2018/C.I.S. No.24 of 2018/Special SC/ST Case No.309 of 2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea in connection with SC/ST P.S.Case No. 71 of 2017 registered under Sections 147,341,323,504,447/34 of the Indian Penal Code and Sections 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

The she-buffalo of the appellants grazed the crop on the land of the complainant and for that reason there is general and omnibus allegation of commission of abuse and assault.

Submission is that the appellants have got no



criminal antecedent nor the background of the allegation would show that the appellants were intending to humiliate a member of the scheduled caste.

Considering the facts of this case and the statement of the appellants that they have got no criminal antecedent, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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