

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3676 of 2018

Arising Out of PS. Case No.-329 Year-2018 Thana- BRAHMPUR District- Buxar

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1. Murari Yadav @ Tripurari Yadav,
 2. Kamlesh Yadav,
 3. Rajesh Yadav 1 to 3 Sons of Ramchandra Yadav, R/o Vill.- Barki Nainijore, P.S.- Brahmpur Nainijore, District- Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-12-2018

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) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 04.09.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Buxar, in A.B.P. No.897 of 2018, arising out of Brahmpur (Nainijore) Police Station Case No.329 of 2018, registered under Sections 147/148/149/448/341/323/307/506/379 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that for trivial dispute arising, at the spur of moment between the two neighbours, a concocted and general



and omnibus allegation is of commission of abuse and assault by taking caste name. The available case-diary would show that there is no other material to substantiate that the appellants were intending to humiliate a member of scheduled caste.

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 impugned order is set aside and the appeal is allowed.

Mkr./-

(Birendra Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
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