

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.347 of 2018

Arising Out of PS.Case No. -1210 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Shivchandra Shah @ Chote Shah, Son of Late Mundrika Shah, Resident of Village- Kanpa Saidabad, P.S.- Rani Talab, District- Patna.
2. Kundan Kumar, Son of Parmeshwar Sao, Resident of Village- Bhagwatipur, P.S.- Bihta, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Malti Devi, Wife of Sanjay Paswan, Resident of Village- Bara, P.S.- Rani Talab, Dist- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Kumar

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-02-2018

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 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for **anticipatory bail** by the learned Special Judge (S.C./S.T.)-cum- Addl. Session Judge-V, Patna in ABP No. 78 of 2018 in Spl. Case No. 373 of 2017 arising out of Complaint Case No. 1210(C)/17 registered under Sections 147, 341, 323, 504, 354/34 of the Indian Penal Code as well as Sections 3(i)(r)(s)(w) of the SC/ST Act.

As soon as the informant and her husband reached on an auto rickshaw, there is general and omnibus allegation that the appellants dragged them from auto rickshaw and committed abuse and assault by taking their caste name for the reason that a boy of the family of the informant had



married with the girl of the family of the appellants.

Submission is that the allegation is general and omnibus and the background of the allegation would not reveal that the appellants were intending to humiliate a member of the scheduled caste.

Learned Special Public Prosecutor has opposed the prayer for bail.

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 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 bond of the appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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