

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2322 of 2018

Arising Out of PS.Case No. -10 Year- 2015 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Rama Singh, S/o Late Samu Singh @ Shamu Singh,
 2. Mukesh Singh
 3. Biresh Singh @ Biresh Kumar @ Biresh,
 4. Brajesh Singh @ Brajesh Kumar Singh @ Brajesh,
 5. Bikesh Singh @ Bikesh Kumar @ Bikesh All Sons of Rama Singh @ Shamu Singh,
 6. Manoj Singh S/o Kamal Singh, All R/o Vill.- Bistaul Dharmwari, P.S.- Baikunthpur, District- Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-08-2018

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 31.03.2018 passed by the learned 1st Additional Sessions Judge, Gopalganj, in A.B.P. No.375 of 2018, arising out of Baikunthpur Police Station Case No.10 of 2015, registered under Sections 341/323/353/504/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is In-charge Headmaster of the School where the appellants went and demanded list of the candidates entitled for scholarship of general category and for that reason an occurrence of abuse was also committed by taking caste name of the informant.



Submission is that the allegation is general and omnibus. The fact is that the daughter of the appellant No.1 was a student of Class-VII of that school and she was entitled for dress allowance irrespective of category of the candidate. The Headmaster had misappropriated the money and just to save his skin lodged this false case.

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.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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