

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2105 of 2018

Arising Out of PS.Case No. -59 Year- 2018 Thana -SHERGHATI District- GAYA

- =====
1. Manju Devi wife of Jagadish Yadav,
 2. Umesh Yadav son of Lal Yadav,
 3. Kaushalya Devi wife of Jagdeo Yadav,
 4. Jagdeo Yadav son of Nunu yadav,
 5. Lalita Devi wife of Umesh Yadav,
 6. Malti Devi wife of Nunu Yadav,
 7. Ramesh Yadav son of Tetar Yadav,
 8. Deo Rani Devi wife of Tetar Yadav,
 9. Nagina Devi wife of Kamlesh Yadav,
 10. Guriya Devi wife of Ramesh Yadav,
 11. Jagdish Yadav son of Nunua Yadav,
 12. Nunu Yadav son of Dukhi Yadav,

All 1 to 12 are resident of village- Kanjiyar, P.S. Dobhi, District- Gaya

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Sinha, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-07-2018

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 04.04.2018 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in A.B.P. No.62 of 018, arising out of Sherghati (Dobhi) Police Station Case No.59 of 2018, registered under Sections 341/323/324/448/307/427/379/504/506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Title Suit No.33 of 2018 is going on between the parties for land dispute. In the aforesaid background, there is general and omnibus allegation against the appellants for commission of abuse and assault by taking caste name.

Considering the background of the allegation it cannot be inferred that the appellants were intending to humiliate a member of scheduled caste, 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
Uploading Date	28.07.2018
Transmission Date	28.07.2018

