

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3639 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- SIRDALA District- Nawada

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1. Dipu Lal Prasad @ Dipu Kumar son of Kailash Prasad.
 2. Mukesh Prasad @ Mukesh Kumar son of Lakhan Prasad @ Ram Lakhan Prasad Yadav.
 3. Rakesh Prasad @ Rakesh Kumar son of Lakhan Prasad @ Ram Lakhan Prasad Yadav. All Resident of Village- Chandabigha, P.S. Sirdalla, District- Nawada. Appellant/s

Versus

The State of Bihar

.. ... Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 10-12-2018

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 14.08.2018 in A.B.P. No.1280/2018/104/2018 arising out of Sirdalla P.S.Case No.70 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST, Nawada registered under Sections 147, 148, 341, 323, 307, 353, 332, 333, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, a quarrel was going on between two groups of villagers. When the informant Chaukidar went to pacify the matter, there is allegation that the appellants allegedly abused by taking caste name and assaulted him.

Submission is that false allegation is there for the



reason that the informant was helping his caste men wrongly and the background of occurrence would make it clear that the appellants were not intending to humiliate a member of the scheduled caste.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the aforesaid fact, 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 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
CAV DATE	NA
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