

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2473 of 2018

Arising Out of PS.Case No. -1 Year- 2017 Thana -SC/ST District- PATNA

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1. Binod Singh, S/o Rajendra Mahto, aged about 45 years, Resident of Mohalla- Ram Nagar, Bochachak, Phulwari Sharif, P.S.- Phulwari Sharif, Town and District- Patna.
 2. Mohan Kumar, S/o Raj Nath Singh, aged about 24 years,
 3. Raj Kumar, S/o Raj Nath Singh, aged about 19 years,
 4. Rajnath Singh, S/o Charitar Mahto, aged about 55 years,
 5. Santosh Kumar, S/o Raj Nath Singh, aged about 26 years,
 6. Sohan Kumar, S/o Raj Nath Singh, aged about 22 years, All 5 at Sl. nos. 2 to 6 are resident of Mohalla- Brindawan Colony, Road No.1 A, Ram Nagar, Bochachak, Phulwari Sharif, P.S.- Phulwari Sharif, Town and District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shankar Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-08-2018

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 12.01.2018 passed by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in A.B.P. No.5650 of 2017, arising out of SC/ST Police Station Case No.1 of 2017, registered under Sections 341/323/448/506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Title Suit No.386 of 2016 is going on between the parties in the Court of learned Sub-Judge-I, Danapur. In the aforesaid



background allegation is that the appellants are in the habit of abusing the informant by taking caste name off and on unnecessarily.

Submission is that real dispute has deliberately been suppressed just to pressurize and false and concocted allegation is there.

Learned counsel for the informant opposed the prayer for bail.

Finding substance in the aforesaid submissions, 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	18.08.2018
Transmission Date	18.08.2018

