

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1331 of 2018

Arising Out of PS.Case No. -131 Year- 2017 Thana -FULKAHA District- ARRARIA

1. Sanjay Bahardar, Son of Shyamdeo Bahardar.
2. Tej Narayan Bahardar, Son of Late Sakhichand Bahardar
3. Shyamdeo Bahardar, Son of Late Sakhichand Bahardar.
4. Hemdeo Bahardar @ Hem Narayan Bahardar, Son of Late Sakhichand Bahardar.
5. Sunil Bahardar, Son of Biku Bahardar.
6. Sunil Bahardar, Son of Mahep Lal Bahardar.
7. Naresh Bahardar, Son of Late Sukhari Bahardar,
8. Shankar Bahardar, Son of Late Dip Lal Bahardar
9. Dablu Bahardar, Son of Late Baldeo Bahardar, All are resident of Village- Madhura North Ward No. 01, Police Station- Fulkaha, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

with

Criminal Appeal (SJ) No. 1365 of 2018

Arising Out of PS.Case No. -131 Year- 2017 Thana -FULKAHA District- ARRARIA

1. Sima Devi, wife of Sanjay Bahardar
2. Rekha Devi, wife of Shyamdeo Bahardar
3. Sila Devi, wife of Tej Narayan Bahardar, All are resident of Village- Madhura North, Ward No. 01, Police Station- Fulkaha, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

Appearance :

(In CR. APP (SJ) No.1331 of 2018)

For the Appellant/s : Mr. Mukesh Kumar Rana, Adv

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

(In CR. APP (SJ) No.1365 of 2018)

For the Appellant/s : Mr. Mukesh Kumar Rana, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-07-2018



Heard learned counsel for the parties in both the appeals.

Both the appeals 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 22.03.2018 and 21.02.2018 respectively by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special SC/ST Case No.322 of 2017 arising out of Fulkaha P.S.Case No. 131 of 2017 registered under Sections 341, 323, 354, 379, 384, 504, 506/34 of the Indian Penal Code as well as under Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

There is case and counter case. Allegation is that the appellants, who all are family members, demanded ransom from the informant and on non-fulfillment, abused and assaulted.

Submission of the learned counsel for the appellants is that the witnesses working thereat did not support the allegation of abuse by caste name and demand of ransom before the police.

Considering the entire facts aforesaid, 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 both bailors shall be resident of territorial jurisdiction of the learned court below 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, both the impugned orders are set aside and both the appeals stand allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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