

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3309 of 2018

Arising Out of PS. Case No.-409 Year-2017 Thana- RUNISAIDPUR District- Sitamarhi

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1. Mahanth Krishna Datt Das @ Krishna Datta Das S/o Late Nandlal Pandey
 2. Sharda Devi W/o Mahanth Krishna Datta Das
 3. Premdatt Pandey @ Manoj Pandey S/o Mahanth Krishna Datta Das
 4. Dev Datt Pandey S/o Mahanth Krishna Datta Das
 5. Baliram Pandey S/o Late Rudal Pandey, all resident of Village-Tilak Tajpur, P.S. Runnisaaidpur, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dinesh Jha
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 26.07.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA), Sitamarhi in Runnisaaidpur Police Station Case No.409 of 2017 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3 (I)(c)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Allegation against the appellants is that they abused the informant by taking caste name only for the reason that the informant had entered into the temple where one the appellant was there for worship purpose.

Submission of the learned counsel for the appellants is that the allegation is general and omnibus and not specific against any of the accused. All the appellants are family members. There is delay of seven days in lodging of the F.I.R.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the fact that F.I.R. apparently discloses commission of offence under the provisions of S.C. & S.T. Act, which is corroborated by other witnesses also, I am not inclined to enlarge appellant No.1, *Mahanth Krishna Datt Das @ Krishna Datta Das*, appellant No.3, *Premdatt Pandey @ Manoj Pandey*, appellant No.4, *Dev Datt Pandey* and appellant No.5, *Baliram Pandey* on anticipatory bail. Hence, their prayer is refused.

Taking special consideration that appellant No.2, *Sharda Devi* is a female, let her in the event of her 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 bond of Rs.20,000/- (Rupees Twenty Thousand)



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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands partly allowed and partly dismissed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

