

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3397 of 2018

Arising Out of PS.Case No. -290 Year- 2017 Thana -SURSAND District- SITAMARHI

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1. Puran Mukhiya S/o Mahendra Mukhiya
2. Indal Mukhiya S/o Rajendra Mukhiya @ Rajindra Mukhiya Both R/o Village -
Jaitpur, P.s. - Pupri, Distt. - Sitamarhi. Appellant/s

Versus

1. The State of Bihar. ... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 12-09-2018

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 29.05.2018 in A.B.P. No.468 of 2018/141 of 2018 passed by the learned 1st A.D.J.-cum-Special Judge SC/ST, Sitamarhi in connection with Sursand P.S.Case No. 290 of 2017 registered under Sections 341,323,379,504/34 of the Indian Penal Code, Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act and 30(a), 37(B) Bihar Prohibition & Excise Act, 2016.

The appellants allegedly assaulted to the informant for some trivial dispute when they were travelling on the same Auto Rickshaw.

Submission is that the FIR would itself reveal that



name of the appellants was disclosed to the informant by the named person. The nature and manner of allegation would not show that the appellants were intending to humiliate a member of the scheduled caste.

Hence, 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, 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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