

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4062 of 2018

Arising Out of PS. Case No.-84 Year-2015 Thana- DAUDPUR District- Saran

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1. Rupesh Singh Son of Sudarshan Singh
 2. Bittu Pathak Son of Lalan Pathak, Both are the resident of Dharampura, P.S. Daudpur, Distt. - Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Binod Singh

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.07.2018 in A.B.P. No. 1802 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saran at Chapra in connection with Daudpur P.S. Case No. 84 of 2015 registered under Sections 147, 149, 341, 323, 379, 504, 506 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

The occurrence of assault and mischief took place in a Barat party when cultural programme was going on. The appellants were identified by the co-villagers.

Learned Special Public Prosecutor opposed the prayer for bail.



Considering the facts of this case, apparently, the intention to humiliate a member of the scheduled caste is not there nor there is any prior meeting of mind, hence, let the appellants, above named, who have got no criminal antecedent, 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 bonds of Rs.20,000/- (rupees 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	20.12.2018
Transmission Date	20.12.2018

