

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3637 of 2018

Arising Out of PS. Case No.-257 Year-2016 Thana- BARGAINIA District- Sitamarhi

1. Dinesh Pandit, Son of Ram Sharan Pandit,
2. Ganesh Pandit, Son of Ram Sharan Pandit,
3. Naresh Pandit, Son of Ram Sharan Pandit,
4. Shailendra Pandit, Son of Late Nathuni Pandit,
5. Bhola Pandit, Son of Akalu Pandit, All Resident of Village-Akhata, Ward No. 5, Police Station- Bairgania, District-Sitamarhi.

... ... Appellant/s

Versus

The State of Bihar

... ... Respondent/s

Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh, Adv

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 10-12-2018

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 24.08.2018 in A.B.P. No.1373 of 2018/320 of 2018 passed by the learned A.D.J.1st-cum-Special Judge SC/ST, Sitamarhi in connection with Bairgania P.S.Case No. 257 of 2016 registered under Sections 147,148,149,341,323,504 of the Indian Penal Code and Sections 3(i)(s) of the Scheduled Castes and Scheduled Tribes Act.

The entire occurrence of abuse and assault is alleged at the time of measurement of land to ascertain the limits of the land between the parties. Appellants have stated on oath that they have got no criminal antecedent.



Considering the background under which the occurrence took place, there is no material to substantiate any intention of the appellants 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 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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