

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 996 of 2018

Arising Out of PS.Case No. -40 Year- 2015 Thana -SC/ST District- KHAGARIA

- =====
1. Abu Sama @ Saddam @ Md. Usman @ Saddam
 2. Md. Sarfaraj @ Sarfaraj Both sons of Md. Kaisar both resident of village -
Sahsi, Tola - Dehuliya, P.S. Alauli, District - Khagaria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-04-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Khagaria in Khagaria SC/ST P.S. Case No. 40 of 2015 registered under Sections 341, 323, 379/34 of the Indian Penal Code as well as Section 3(i)(r) of the SC/ST Act.

The goat of the informant had entered into the field of the appellants and damaged the crops. For that reason, general and omnibus allegation against the appellants and other named persons is to have abused the complainant by taking caste name and committed



assault and theft.

Considering the background and general and omnibus nature of allegation, 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 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 and 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)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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