

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.295 of 2018

Arising Out of PS.Case No. -268 Year- 2017 Thana -RAJPUR District- BUXAR

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1. Manoj Singh, Son of Late Ram Bahadur Singh, Resident of Village- Nagpur, Police Station- Rajapur, District- Buxar.
2. Bajrangi Singh Yadav @ Bajrangi Singh, Son of Daroga Singh, Resident of Village- Mangalpur, PS.- Itarhi, District- Buxar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Narayan Mishra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-02-2018

Heard learned counsel for the parties.

Appellant No.2, Bajrangi Singh Yadav @ Bajrangi Singh has already been arrested in this case. Hence, his prayer for anticipatory bail is infructuous now.

Supplementary affidavit has been filed on behalf of the appellants.

This is an appeal under Sections 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Buxar in connection with Rajpur P.S.Case No. 268 of 2017 registered under Sections 147,341,323,307,325,504 of the Indian Penal Code as well as



under Sections 3(i)(v)(s) of the Scheduled Castes and Scheduled Tribes Act.

For land dispute, a civil suit is going on between the parties.

In the aforesaid background, allegation is against five persons, general and omnibus that they committed abuse, assault and theft against the informant.

Submission of the learned counsel for the appellant is that the allegation is not specific against appellant No.1, Manoj Singh and offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not attracted for the purpose of this appeal, as there is no mention of caste name which the appellant uttered.

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

Considering the background and nature of allegation against appellant No.1, Manoj Singh, let the appellant, above named, in the event of his 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) 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 as well as condition that the appellant 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 appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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