

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2993 of 2018

Arising Out of PS. Case No.-109 Year-2017 Thana- TARIYANI CHOWK District- Sheohar

1. Manjay Rai, son of Jawahar Rai,
2. Satyadev Rai, son of Jawahar Rai, Both resident of Village-Tajpur, P.S. Tariyani, District- Sheohar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 23.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Sheohar in Tariyani Police Station Case No.109 of 2017 registered under Sections 448, 341, 323, 325, 354(A), 504/34 of the Indian Penal Code as well as Section 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The occurrence of abuse and assault is alleged, for the reason that ten years back the informant had married in the caste of the appellants.

Submission is that the background of allegation is not acceptable for the reason that no protest was ever made during last ten years of inter-caste marriage. The appellants have got no criminal antecedent.

Considering the aforesaid facts, let the appellants, above named, 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 learned court below where the case is pending in connection with the aforesaid case, subject to the 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 bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

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Transmission Date	

