

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.502 of 2019

Arising Out of PS. Case No.-21 Year-2018 Thana- BHADAUR District- Patna

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1. Akash Kumar, Son of Vijay Ram
2. Vishal Kumar Son of Sarwan Ram
Both are Resident of Village - Daulatpur, P.S.- Bhaduar, District-Patna.
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Agreya Pratap, Advocate.

Mr.Arun, Advocate.

For the Respondent/s : Mrs.Usha Kumari No. 1, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 13-02-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 07.01.2019 passed by the learned Addl. District and Sessions Judge-IV-cum-Special Judge, SC/ST Act, Patna in ABP No. 8600 of 2018 arising out of Bhaduar P.S.Case No. 21 of 2018 registered under Sections 323, 337, 341 and 504 of the Indian penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is of assaulting to the informant and abusing by caste name.

Submission of learned counsel for the appellants is that all sections of penal code are bailable and so far offence under



Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is concerned i.e., ornamental and just to make serious allegation and there is case and counter case in between the parties.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-IV-cum-Special Judge, SC/ST Act, Patna in ABP No. 8600 of 2018 arising out of Bhaduar P.S.Case No. 21 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

