

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.427 of 2019

Arising Out of PS. Case No.-622 Year-2018 Thana- PIRBAHOR District- Patna

1. Shivam Kumar, Son of Nandlal Mishra, C/o R.K. Rest House, Near Noori Masjid, Bari Path, PS-Pirbahore, District-Patna
2. Md. Hasan Ansari @ Md. Chand, Son of Md. Shamim Ansari Resident of Village - Ward No.14, Kamalpura Karhotia, Buzurg, Address mention in FIR as resident of Bhikhna Pahari, Chai Dukan, P.S.- Pirbahore, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Syed Firoz Raza
For the Respondent/s	:	Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 11-03-2019

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 17.12.2018 passed by the learned Additional District and Sessions Judge -IV-cum-Special Judge, SC/ST, Patna in ABP No. 8435 of 2018 in Special Case No. 586 of 2018 arising out of Pirbahore P.S.Case No. 622 of 2018 registered under Sections 308, 323, 341 and 342 of the Indian penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR is that while informant was



working as a sweeper in Star Guest House at Bhikhna Pahari, Patna and the appellant no. 1, who is son of Manager of R.K.Guest House, including other accused persons caught him and took him to a room in an apartment and assaulted him and also abused him by caste name and said that as to why he teases girls.

Submission of learned counsel for the appellants is that allegation is false and concocted and as a matter of fact informant used to tease girls and as such there was some scuffle due to which making the case serious, allegation of abusing caste name has been levelled. It is further submitted that appellant no. 2 is minor, aged about 12 years.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, so far appellant no. 1 is concerned, 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, he is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge -IV-cum-Special Judge, SC/ST,



Patna in ABP No. 8435 of 2018 in Special Case No. 586 of 2018 arising out of Pirbahore P.S.Case No. 622 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as appellant no. 2 is concerned, as he is minor, he should appear before the Juvenile Justice Board, who considering the age, will pass an appropriate order or orders without being prejudiced by this order.

Accordingly, the appeal is disposed of and the impugned order is set aside with respect to appellant no. 1.

Till appearance of Appellant No. 2 before the Juvenile Justice Board, no coercive step shall be taken against him.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

