

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1149 of 2019**

Arising Out of PS. Case No.-326 Year-2018 Thana- RAMPUR District- Gaya

Suraj Saw @ Suraj Kumar, Son of Bablu Saw @ Balkeshwar Saw Resident of
Village - Islamganj, Katari, P.S.- Chandauti, District - Gaya Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kumar

For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 01-04-2019

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 18.02.2019 passed by the learned Special Judge, SC/ST Act, Gaya in ABP No. 02 of 2019 arising out of Rampur P.S.Case No. 326 of 2018 registered under Sections 323, 341, 353, 379 and 504 of the Indian penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that while informant and others were dumping the garbage, the appellant and others assaulted him by fist and slaps and on hearing *hulla*, other persons came there. In the meantime, police reached there and on seeing police, they fled away leaving motorcycle. It is alleged that informant was also abused by taking caste name.

Submission of learned counsel for the appellant is that as a



matter of fact, informant and others were dumping the garbage near the village which was protested by the appellant and others and due to that present case has been lodged. It has also been submitted that allegation of abusing by caste name is ornamental as there was no occasion for the appellant and others to know the caste name of the informant and others.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Gaya in ABP No. 02 of 2019 arising out of Rampur P.S.Case No. 326 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 him.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

