

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4453 of 2018

Arising Out of PS. Case No.-59 Year-2018 Thana- SC/ST District- Sitamarhi

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Nishant Kumar @ Nishant Deep @ Nishant Yadav Son of Late Dinesh Kumar Yadav @ Dineshwar Prasad Yadav, Resident of Village- Chakmahila, P.S.- Sitamarhi, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Tabish Sharfuddin

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 17-01-2019

This is an appeal under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 09.10.2018 passed by the learned Special Judge (SC/ST Act) in ABP No. 1837/2018/477/2018 arising out of Sitamarhi SC/ST P. S. Case No. 59 of 2018 registered under Sections 323, 341, 379, 504/34 of the Indian penal Code and Sections 3(1)(r)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellant and other accused persons is that earlier the informant, who was working as Nurse in Shyama Hospital, when demanded wages, they assaulted and abused by taking her caste name.



Submission of learned counsel for the appellant is that allegation assault and abusing by caste name is general in nature as a matter of fact when the appellant has objected her working in other hospital, she lodged the present case.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let appellant, named above, 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 Special Judge (SC/ST Act) in ABP No. 1837/2018/477/2018 arising out of Sitamarhi SC/ST P.S.Case No. 59 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellant shall co-operate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of her bail bonds.

Accordingly, the appeal is allowed and the impugned



order is set aside with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

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CAV DATE	
Uploading Date	
Transmission Date	

