

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4551 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- SC/ST District- Banka

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1. Bulet Ray @ Balmukund Kumar Ray Son of Sanjay Rai @ Sanjay Kumar
 2. Prabhash Yadav @ Prabhash Kumar Rana, S/o Shankar Rana
- Both Resident of Village-Karsani,P.S. Rajoun,Distt.-East Banka
- Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mritunjay Prasad Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 29-01-2019

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 05.10.2018 passed by the learned Addl. Sessions Judge-1st, Banka in ABP No. 1116 of 2018 arising out of Banka P.S.Case No. 18 of 2018 registered under Sections 323, 341, 354, 504 and 506 of the Indian penal Code and Sections 3(i)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is of assulting the informant and her son and when her husband came to save her, he was also assaulted and abused.

Submission of learned counsel for the appellants is that occurrence took place with respect to grazing of her *Mung* field



by the goat of the appellants and in order to give colour of seriousness, allegation of abusing by caste name have been levelled against the appellants and they have no criminal antecedent.

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. Sessions Judge-1st, Banka in ABP No. 1116 of 2018 arising out of Banka P.S.Case No. 18 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	

