

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4501 of 2018

Arising Out of PS. Case No.-4 Year-2018 Thana- SC/ST District- Nawada

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1. Sudama Singh @ Sudama Pd. Singh, son of late Bala Singh.
 2. Anil Singh, son of Late Sukhi Singh
 3. Raushan Kumar, son of Madan Singh
 4. Shambhu Singh @ Shambhu Sharan Singh, son of late Arjun Singh.
 5. Sanjit Singh, son of Uma Singh.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Samrendra Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 29-01-2019

Learned counsel for the appellants submits that due to typographical error, ground no. II at page 6 of the appeal has wrongly been inserted, so he does not want to press this ground. Prayer is allowed.

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 11.06.2018 passed by the learned Addl. District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Nawada in ABP No. 737 of 2018 arising out of SC/ST P.S.Case No. 04 of 2018 registered under Sections 147,148,149,307,323,341,353B, and 379 of the Indian penal Code and Sections 3(i)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

Allegation against the appellants is that they harvested the crops of the informant and also assaulted her by *Garasa*.

Submission of learned counsel for the appellants is that there is case and counter case in between the parties and appellants have also received injuries and some are grievous in nature and there is specific allegation against the appellant no. 2 of assaulting by *Garasa* to Dulo Rajvanshi but in spite of repeated request by the learned Sessions Judge, case diary has not been sent to court and there is nothing available on record to show that the injuries are grievous in nature.

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-I-cum-Special Judge, SC/ST Act, Nawada in ABP No. 737 of 2018 arising out of SC/ST P.S.Case No. 04 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)

suji/-

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