

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3556 of 2018

Arising Out of PS. Case No.-606 Year-2017 Thana- BIHTA District- Patna

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1. Bablu Kumar, Son of Late Kamlesh Sharma
 2. Mantu Kumar, Son of Dhukhan Yadav.
 3. Bijay Kumar Son of Vishwanath Prasad,
 4. Barun Sao @ Arun Sao, Son of Late Raghu Sao,
All are resident of Village- Raghapur, P.S.- Bihta, District- Patna.
 5. Raj Kumar @ Pankaj Singh, Son of Dinesh Sharma, Resident of Bihta P.S.-
Bihta, District- Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Usha Kumari Singh
For the Respondent/s : Smt Usha Kumari No-1

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 30.05.2018 passed by the learned Special Judge, SC/ST-Cum-Addl. Sessions Judge-V, Patna in ABP No. 3662 of 2018 arising out of Bihta P.S.Case No. 606 of 2017 registered under Sections 147, 148, 148, 323, 341, 354, 379, 406, 447, 420, 504 and 506 of the Indian penal Code and Sections 3(i)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is that they have taken Rs 8 lacs from the complainant in the name of purchasing a



piece of land and when complainant demanded the same, appellant no. 1 abused the informant by taking caste name.

Submission of learned counsel for the appellants is that as a matter of fact there was an agreement for sale with respect to some piece of land of the complaint and appellant no. 1 had paid Rs. 5 lacs and thereafter again Rs. 3 lacs but the sale deed was not executed and thus dispute arose with respect to same. Thereafter, the present case has been lodged levelling the allegation of abusing complainant by caste name.

Heard learned Spl. P.P also and learned counsel for the informant who have opposed the prayer of bail on the ground that there is specific allegation against appellant no. 1 of abusing.

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 Special Judge, SC/ST-Cum-Addl. Sessions Judge-V, Patna in ABP No. 3662 of 2018 arising out of Bihta P.S.Case No. 606 of 2017;



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)

sujiit/-

AFR/NAFR	NAFR
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Uploading Date	
Transmission Date	

