

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3856 of 2018

Arising Out of PS. Case No.-16 Year-2018 Thana- SC/ST District- Samastipur

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1. Bauan Yadav @ Ram Sudishta, Son of Late Domi Yadav
 2. Anita Devi, Wife of Buan Yadav
 3. Shubha Kala Devi @ Shakuntala Devi, Wife of Mantun Yadav
 4. Sabita Kumari, D/o Bauan Yadav,
- All 1 to 4 are Residents of Village- Kariyan, P.S. Rosra, District- Samastipur.
... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-02-2019

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 11.05.2018 passed by the learned 1st Addl. Sessions Judge, Samastipur in ABP No. 902 of 2018 arising out of SC/ST P.S.Case No. 16 of 2018 registered under Sections 147,149, 323, 341, 354B, 379, 504 and 506 of the Indian penal Code and Sections 3(i)(r)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR is that with respect to construction of *Kharanja*, scuffle took place between the parties and allegation against appellant no. 1 is of abusing the informant by taking caste name and also of assaulting.



Submission of learned counsel for the appellants is that there is case and counter case in between the parties and at the spur of moment, the occurrence took place.

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 1st Addl. Sessions Judge, Samastipur in ABP No. 902 of 2018 arising out of SC/ST P.S.Case No. 16 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	

