

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3504 of 2019**

Arising Out of PS. Case No.-286 Year-2019 Thana- GAYA KOTWALI District- Gaya

1. Md. Parvez Son of Md. Abdul Gayum Resident of Village - Neemma, P.O.- Neema, P.S.- Mufsil, Dist.- Gaya.
2. Bhusan Kumar Son of Late Lakhan Singh Resident of Village - Kirani Ghat, P.O.- G.P.O., P.S.- Kotwali, Dist.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Purushottam Jha  
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

4      19-11-2019                      Heard learned counsel for the appellants and learned  
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 05.07.2019 passed by learned Special Judge, SC/ST Act, Gaya in Kotwali P.S. Case No. 286 of 2019 registered under Sections 342, 370, 370(a), 374/34 of the Indian Penal Code, Section 14A of Child Adolescent Labour Act-1986 with Juvenile Justice Act and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have engaged a child labour at



their shop.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. By filing photocopy of Aadhar Card of the victim, learned counsel for the appellants submitted that the victim is aged about 16 ½ years, hence, he does not come under the purview of Child Labour Act. No offence under SC/ST Act is made out against the appellants. Moreover, the victim was not working in the shop of the appellants rather had paid visit there to purchase some eatable articles from their shop, in the meanwhile, police raided their shop and falsely apprehended the said child from their shop. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in Kotwali P.S. Case No. 286 of 2019,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

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