

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1160 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- CHANAN District- Lakhisarai

-
1. PAWAN KUMAR Son of Jitendra Kumar Nirala Resident of Village - Khematarani Sthan, P.S.- Suraygarha, Distt - Lakhisarai.
 2. Sanjeev Kumar Suman Son of Madho Yadav Resident of Village - Khematarani Sthan, P.S.- Suraygarha, Distt - Lakhisarai.
 3. Lukho Mandal Son of Kailash Mandal Resident of Village - Adopur, P.S.- Suraygarha, Distt - Lakhisarai.
 4. Pintu Yadav Son of Kishori Yadav Resident of Village - Nista, P.O. and P.S.- Suraygarha, Distt - Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Rajendra Narain, Sr Advocate with Mr Alok Ranjan, Advocate
For the Respondent/s	:	MsUsha Kumari 1, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned Senior Counsel for the appellants and the learned Special PP for the State.

Appellants seek bail in a case registered under



Sections 186, 332, 353, 379, 427/34 of Indian Penal Code, Section 3 of Bihar Prevention of Defacement of Property Act and Sections 3 (i) (r) (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for brevity, SC/ST Act).

Allegation is that the leader of the District Truckers Association had gone to the Police Station and created obscene there along with 10 – 12 persons. The said leader, namely, Pravin Kumar @ Golu is not before this Court in the instant application. The petitioners, who are before this Court, are those whose trucks have been seized and drivers of the trucks.

Learned Senior Counsel for the appellants submits that in the entire first information report (for brevity, FIR), specific allegation, by name, is only alleged against the accused Pravin Kumar @ Golu. Perusal of the entire FIR would reveal that not a single caste based abuse is specifically alleged against any of the appellants. The offences under the SC/ST Act against the appellants are not made out even from bare perusal of the FIR. It is further submitted that the trucks, belonging to the petitioners, are operating and transporting sand under due permission. The challan has been annexed as Annexure 5 series. The submission is of implication merely on suspicion because the trucks belong to petitioners No 1 and 2 and petitioners No 3



and 4, namely, Lukho Mandal and Pintu Yadav are drivers. The appellants bear no criminal antecedent as per submission of the learned Senior Counsel based on pleadings in the Memo of Appeal.

The learned Special PP has opposed the prayer for anticipatory bail. It is submitted that the case has been lodged under SC/ST Act and prayer for anticipatory bail would not be maintainable.

In view of the law laid down by the Apex Court in the case of *Vilas Pandurang Pawar -Versus- State of Maharashtra, (2012) 8 Supreme Court Cases 795*, for the limited purpose of consideration for grant of anticipatory bail, this Court is inclined to accept the submission advanced by learned Senior Counsel for the appellants.

In the event of their arrest or surrender within four weeks from today, the appellants above named shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Lakhisarai in Chanan Police Station Case No 11 of 2020 dated 03.02.2020 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code and



also the following conditions:

(i) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also undertake to inform the Court if there is any change in the address of the appellants.

(ii) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

