

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5710 of 2019

Arising Out of PS. Case No.-196 Year-2019 Thana- ROSERA District- Samastipur

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BHOLA SAH Son of Late Fakeera Sah Resident of Parbhu Thakur Mohalla
Ward No. 8, P.S. Rosera, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sujit Kumar Singh, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-01-2020

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 23.10.2019 in A.B.P. No.2504 of 2019 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with Rosera P.S.Case No. 196 of 2019 registered under Sections 147,323,341,379,427,447,504,506 of the Indian Penal Code as well as under Sections 3(1)(g),3(1)(Z) of the Scheduled Castes and Scheduled Tribes Act, 1989 (Amendment 2015).



Allegation against the appellant is that he threw the articles of the shop of the informant and looted away the cash as well as committed assault and abuse against the informant.

Submission is that the informant is not a member of the scheduled caste which would be evident from the case diary as well as revenue records rather the informant is a member of Barhai caste which is not in a category of scheduled caste and informant has falsely stated that he belongs to Lohar caste.

The impugned order would show that the learned court below has not considered the aforesaid facts while coming to the conclusion that prayer for anticipatory bail is barred under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, the impugned order is set aside and this appeal stands allowed.

Let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.01.2020
Transmission Date	07.01.2020

