

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.45 of 2020

Arising Out of PS. Case No.-29 Year-2018 Thana- SC/ST District- Saran

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1. RAMESH SHARMA Son of Parshuram Sharma Resident of Village - Fakuli, P.S.- Chapra Muffasil, Distt - Saran.
 2. Arun Singh @ Vinay Kumar Singh Son of Late Pashupati Singh Resident of Village - Fakuli, P.S.- Chapra Muffasil, Distt - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Advocate.
For the Respondent/s : Mr.Binay Krishna, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 30-01-2021 Heard the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 07.11.2019 by the learned 1st Addl. Sessions Judge, Saran at Chapra in A.B.P. No. 2981 of 2019, arising out of Saran SC/ST P.S. Case No. 29 of 2018 registered under Sections 341, 323, 325, 379 and 504/34 of the Indian Penal Code and Sections 3(i)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Out of five accused persons, three are members of the scheduled caste and the remaining two are appellants herein.



Allegation is against all of commission of abuse and assault due to taking liquor by one Munna.

Submission is that the occurrence did not take place for the reason that the informant was a member of the scheduled caste rather for different reason it is alleged and specific act is alleged against some other co-accused and not against the appellants. Appellants have got no criminal antecedent.

Considering the facts aforesaid, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the 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 Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellants 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 appellants.

(c) The appellants shall not leave the country without



permission of the trial Court.

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

(Birendra Kumar, J)

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