

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21146 of 2016

Arising Out of PS.Case No. -305 Year- 2015 Thana -GARDANIBAGH District- PATNA

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Binod Kumar, S/o- Late Sugambar Yadav, R/o Chawal Bazar, Chitkohra,
P.S.- Gardanibagh, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh, Adv.
Mr. Sushant Kumar, Adv.

For the Opposite Party/s : Mr. Ambika Bhagat, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-05-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 385 of the Indian Penal Code as also under Section 3(1)(x) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'Act, 1989').

Learned counsel appearing on behalf of the petitioner submits that, in view of the law laid down by this Court in the case of **Sajjo Vs. The State of Bihar [2010 (2) PLJR 690]**, the offence under Section 3(1)(x) of the Act, 1989 is not attracted and the present case has been lodged on account of pending civil suit between the parties.

Learned Spl. P.P. appearing on behalf of the State, though has opposed the prayer for anticipatory bail, but has not been able to dispute the aforesaid submissions.

In above view of the matter, in the event of his arrest or surrender in the court below within a period of four weeks from

today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Patna in connection with Gardanibagh P.S. Case No. 305 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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