

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.660 of 2016

Arising Out of PS.Case No. -137 Year- 2015 Thana -HARIJAN PS. District- NALANDA
(BIHARSHARIFF)

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Binay Bihari Prasad son of Arbind Yadav @ Arbindra Yadav, resident of village-
Pillich, Police Station- Parwalpur, District- Nalanda.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 26-10-2016

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This appeal under Section 14-A(2) of The
Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (for short 'the Act') has been filed against the
order dated 01.04.2016 passed by the learned 2nd Additional
Sessions Judge, Hilsa in B. P. No. 138 of 2016, whereby the bail
application of the appellant in connection with SC/ST P. S. Case
No. 137 of 2015 registered under Sections 341, 323, 504, 506 and

379 of the Indian Penal Code and Section 3(1)(x) of the Act, has been rejected.

3. It is submitted by the learned counsel for the appellant that no occurrence as alleged has ever taken place and the petitioner has been implicated in a false and fabricated case. It is further submitted that for the alleged act of abusing and assaulting the informant of the case, the appellant has been in custody for over seven months.

4. On the other hand, learned Special Public Prosecutor for the State has opposed the application for grant of bail to the appellant. He has submitted that the appellant has not only abused the informant but also assaulted him causing three simple injuries.

5. Be that as it may, regard being had to the nature of the offences alleged and the period undergone by the appellant in custody, the impugned order dated 01.04.2016 passed by the learned 2nd Additional Sessions Judge, Hilsa in B. P. No. 138 of 2016 is set aside. The appellant is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Hilsa in connection with SC/ST P. S.

Case No. 137 of 2015.

6. The appeal stands allowed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	...
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