

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.960 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -TIKAPATTI District- PURNIA

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Arjun Singh @ Arjun Mahaldar Son of Narayan Singh @ Narayan
Mahaldar resident of Village- Tilkapatti, P.S.- Tilkapatti, District- Purnea.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP245

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 25-11-2016 The appellant is in custody since 17.10.2016 in connection with Tikapatti P.S. Case No. 47 of 2016 registered for the offence punishable under Sections, 448, 504 and 506/34 of the Indian Penal Code and Section 3 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 (hereinafter referred to as the Act). His application for regular bail has been rejected by the court of learned 1st Additional Sessions Judge-cum- Special Judge, Purnea in Special SC/ST Case No. 118 of 2016 by an order dated 17.10.2016. This is an appeal under Section 14A (2) of the Act against the rejection of Bail application by order dated 17.10.2016.

Learned counsel appearing on behalf of the appellant has submitted that the registration of present First Information



Report i.e. Takapatti P.S. Case No. 47 of 2016 is in retaliation to the earlier case lodged by the appellant's side which had given rise to Tikapatti P.S. Case No. 35 of 2016. He has submitted, referring to the materials on record, that some land dispute between the parties is the apparent reason behind lodging of the present First Information Report. The appellant is said to have no criminal antecedent. It is the plea on behalf of the appellant that if granted the privilege of regular bail, there is no chance that appellant will tamper with the evidence or flee from the course of investigation or trial.

I find substance in submission made on behalf of the appellant. These aspects were germane for consideration of regular bail by the court of Special Judge which has not been done. Accordingly the impugned order dated 17.10.2016 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Purnea is set aside.

Let the appellant, above-named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Purnea in connection with Special SC/ST Case No. 118 of 2016.

This is subject to the condition that the appellant shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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