

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3338 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -TANDWA District- AURANGABAD

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Yashin Ansari, S/o Tasadduk Ansari, R/o Village - Khajuri Tika, P.S.
Tandwa, District - Aurangabad

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Mr. Ashok Kumar Singh, Advocate

For the Respondent : Mr. Smt Usha Kumari No-1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 15-12-2017

The appellant is permitted to incorporate police station case in the prayer portion of the petition.

Heard learned counsel for the parties.

This is an appeal under Section 14(2)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T.), Aurangabad in Tandwa P.S. Case No. 28 of 2017 registered under Sections 147, 323, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)/3(1)(s)/3(2)(v-9) of the SC/ST Act.

Allegation against the appellant is of abusing the informant by taking his caste name and also pressurising him for compromise of a case lodged by him against the appellant.

Submission of learned counsel for the appellant is that no offence under SC/ST Act is made out against the appellant as allegation



of abuse is inside the room and not in public place and though it is alleged that appellant was putting pressure upon informant to compromise the earlier case lodged by him but no case has been lodged against the appellant by informant earlier.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the aforesaid facts, 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 bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Tandwa P.S. Case No. 28 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this application stands allowed.

(Birendra Kumar, J)

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