

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No. 3441 of 2017

Arising Out of PS.Case No. -268 Year- 2017 Thana -RAJPUR District- BUXAR

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1. Durga Singh Son of Late Kalika Singh, Resident of Village- Nagpur,
Police Station Rajpur, District-Buxar.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Narayan Mishra

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 21-12-2017

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.), Buxar in Rajpur P.S. Case No. 268 of 2017 registered under Sections 147, 341, 323, 307, 325, 504 of the Indian Penal Code as well as Sections 3(i)(v)(s) of the SC/ST Act.

A civil suit is going on between the parties. In the past also, the informant had lodged Buxar SC/ST P.S. Case No. 19 of 2017 under the provisions of the SC/ST Act which was found false by the police. Thereafter, the present case has been lodged.

Submission is that the background of FIR would reveal the harassing tendency of the informant for admitted civil



dispute between the parties.

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 the aforesaid case, 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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