

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No. 3288 of 2017

Arising Out of PS.Case No. -787 Year- 2014 Thana -COMPLAINT CASE District- KISANGANJ

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1. Arun Sarkar @ Arun Kumar Sarkar, S/o Late Nil Kant Sarkar, Resident of Lalbari, P.S.- Kanki, Dist- Kishanganj, Presently - Halka Karamchari, Rasiya Panchayat, P.S.- Ponwakhali, Dist- Kishanganj

.... Appellant/s

Versus

1. The State of Bihar
2. Putli Devi, D/o Amilal Harizan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumari Ritambhara

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-12-2017

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.), Kishanganj in Spl. SC/ST P.S. Case No. 33 of 2017 arising out of Complaint Case No. C787 of 2014 registered under Sections 323, 341, 504/34 of the Indian Penal Code as well as Sections 3(1)(x)(xi) of the SC/ST Act.

The complaint petition would reveal that the main dispute is between the complainant and co-accused Budhdeo Kumar Sinha arising out of non-execution of the sale deed in pursuance of agreement to sell. The petitioner was Halka Karamchari. He did not mutate the name of the complainant for the reason that the land proposed to be



transferred was government land. Hence, he is accused. There is no allegation under the provisions of the SC/ST against the appellant.

Learned Special Public Prosecutor has opposed the prayer for bail.

Hence, 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 Spl. SC/ST P.S. Case No. 33 of 2017 arising out of Complaint Case No. C787 of 2014, 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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