

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No. 2514 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- NAWADA

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1. Krishna Chauhan, Son of Tanik Chauhan @ Tanik Prasad, Resident of Village
Anaypan, P.S. Kashichak, District - Nawada.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) 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 vide order dated 28.05.2018 in A.B.P. No. 667 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with Kashichak P.S. Case No. 40 of 2018 registered under Sections 341, 323, 308, 504, 379, 506 of the Indian Penal Code as well as Sections 3(i)(s) of the SC/ST Act.

The appellant abused the complainant for the reason that the complainant had purchased the land of the family of the appellant. Apparently, land dispute is background of the allegation of abuse and assault. Appellant has got no criminal antecedent.



The nature of background of allegation shows that chances of mala fide prosecution cannot be completely ruled out, 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 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	21.08.2018
Transmission Date	21.08.2018

