

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3765 of 2018

Arising Out of PS. Case No.-362 Year-2016 Thana- SAUR BAZAR District- Saharsa

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1. Amila Devi, W/o Mahendra Yadav @ Surendra Kumar Suman, R/o Vill.- Maheshpur, P.S.- Sour Bazar, District- Saharsa.
 2. Md. Akram @ Akram Miya @ Ekram Miya, S/o Sheikh Usman Miya, R/o Vill.- Samda, P.S.- Sour Bazar, District- Saharsa.
 3. Pradip Kumar Mandal @ Pradip Mandal, S/o Dev Narain Prasad Mandal,
 4. Ajay Kumar Ram @ Ajay Ram S/o Sundar Ram, R/o Vill.- Chandaaur, P.S.- Sour Bazar, District- Saharsa.
 5. Mahendra Yadav @ Surendra Kumar Suman S/o Late Biranchi Yadav, R/o Vill.- Maheshpur, P.S.- Sour Bazar, District- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Yogendra Paswan S/o Late Babu Lal Paswan, R/o Samda (West Chandaaur), P.S.- Sour Bazar, District- Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiva Shankar Sharma, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-12-2018

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 against the refusal of prayer for anticipatory bail vide order dated 05.09.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa, in A.B.P. No.845 of 2018, arising out of Sour Bazar Police Station Case No.362 of 2016, registered under Sections



341/323/116/467/468/147/148/149/120B of the Indian Penal Code and Section 3(i)(x)(1)(IV) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Initially a complaint case was filed stating therein that the complainant is a social worker. Appellant No.1 is local Mukhiya and other appellants are her henchman. The appellants were indulged in defalcation of money of different government schemes and when the informant made protest of all the activity they allegedly abused and assaulted to the informant.

Submission is that the complaint case was registered as police case and after investigation police did not found the case true. Moreover, in the administrative inquiry conducted by the Block Development Officer on the order of Collector the allegation of so-called misappropriation was found to be untrue. The appellants have got no criminal antecedent.

Considering the entire facts and background of the allegation, chances of mala fide prosecution cannot be ruled out for the purpose of consideration of prayer for anticipatory bail, the appellants, above named, in the event of their 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 bonds of Rs.20,000/- (Twenty Thousand) each 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 appellants 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 appellants.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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