

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1381 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -AWTARNAGAR District- SARAN

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1. Nayak Rai, Son of Late Bhalu Rai, Resident of Village- Haraji, P.S.-
Awtarnagar, District- Chapra.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 14-05-2018

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** by the learned Special Judge (S.C./S.T.), Awatar Nagar P.S. Case No. 177 of 2017 registered under Sections 323, 341, 354, 504, 506 of the Indian Penal Code as well as Sections 3(1) (x) SC/ST Act.

Submission is that the appellant had advanced interest-free loan to the informant on 18.05.2016, written receipt is at Annexure-2. The informant was not refunding the said money and the aforesaid fact has been suppressed in the FIR



and false story has been cooked up with allegation that the appellant was pressurizing the informant to sow in his field however, the complainant was already engaged in the field of Suresh Manjhi. The appellant allegedly committed abuse and assault.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the background of allegation and delay in lodging of the case malafide prosecution cannot be ruled out for the purpose of prayer of anticipatory 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 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 appeal stands allowed.

(Birendra Kumar, J)

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