

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1138 of 2018

Arising Out of PS.Case No. -28 Year- 2017 Thana -SC/ST District- ARRARIA

- =====
1. Prof. Nawal Kishore Singh @ Prof. Naval Kishore Singh, S/o Late Raj Narayan Singh,
 2. Nilam Singh @ Neelam Devi, W/o Prof. Nawal Kishore Singh,
 3. Suchitra @ Nand Kumari Suchitra, D/o Prof. Nawal Kishore Singh,
- Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mritunjay Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-05-2018

Heard learned counsel for the parties.

Learned counsel for the appellants is permitted to remove the defect.

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 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Araria, in Special Case No. 144/2017, arising out of Araria SC/ST Police Station Case No. 28 of 2017, registered under Sections 341/323/354B/34 of the Indian Penal Code and Sections 3(i) (r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Nutan Kumari, the daughter-in-law of appellant Nos.1 and 2, lodged Araria Mahila P.S. Case No. 17 of 2017 for the occurrence dated 16.04.2017 against the appellants. For the occurrence of the same day, the present F.I.R has been lodged by the maid (helper) of Nutan Kumari. Allegation is that the appellants abused and assaulted to the informant by taking caste name.

Submission of the learned counsel for the appellants is that the informant has been setup by daughter-in-law Nutan Kumari for matrimonial dispute and just to pressurize for mala fide consideration. The F.I.R would also reveal that the informant is helper of Nutan Kumari.

Learned Counsel for the informant opposed the prayer for bail on the ground that the allegation is specific. Charge sheet has already been submitted against the appellants.

Considering the background of allegation for the purpose of consideration of prayer for anticipatory bail the chances of mala fide prosecution cannot be completely ruled out. Hence, let 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./Sanjeev

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	

