

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1313 of 2018

Arising Out of PS.Case No. -45 Year- 2016 Thana -SC/ST District- SARAN

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1. Ajay Prasad, S/o Sudama Prasad, R/o Mohalla- Sahebganj, Western Lane of
Arya Samaj School, P.S.- Chapra Town, Distt- Saran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Prakash, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-05-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Addl. Sessions Judge, Saran at Chapra in connection with Saran SC/ST P.S.Case No. 45 of 2016 registered under Sections 341,323,504,506,354 of the Indian Penal Code as well as under Sections 3(i)(x)of the Scheduled Castes and Scheduled Tribes Act.

The appellant had filed a petition dated 10.02.2016, a copy at Annexure-2 before the Circle Officer, stating therein that there is boundary dispute between the appellant and the informant. Hence, the land be measured and be demarcated. On that application, the Circle Officer issued notice to Shambhu



Nath Chaudhary, the husband of the informant on 03.08.2016 at page-27. Thereafter, this FIR was lodged on 04.08.2016, alleging therein that the appellant damaged the boundary wall of the informant and committed abuse and assault by taking caste name.

Considering the background of the allegation, the chances of malafide 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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