

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.237 of 2018

Arising Out of PS.Case No. -418 Year- 2017 Thana -RUPASPUR District- PATNA

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Sanjay Kumar Singh, son of Mundrika Singh, resident of Village- Korhar (Koushalya Kunj), P.O.- Anandpur Kamp, P.S.- Bihta, District- Patna, At present residing at Radhe Krishna Apartment, Gola Road, P.O.- Danapur Cant, P.S.- Rupaspur, District- Patna.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Prabhat Kumar Singh, Adv.

For the Informant : Mr. Vinod Kumar, Adv.

: Mr.Gagandeo Yadav, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-02-2018

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 Special Judge, SC/ST Act, Patna in connection with Rupaspur P.S.Case No. 418 of 2017 registered under Sections 406,420 of the Indian Penal Code as well as under Sections 3(1)(n) of the Scheduled Castes and Scheduled Tribes Act.

A bare perusal of the case diary would reveal that entire allegation arises out of an agreement to sell between the parties. The entire FIR would reveal that there is no allegation of commission of any offence under the provisions



of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not applicable.

Learned counsel for the informant opposed the prayer for anticipatory bail.

After hearing the parties, in my view, the appellant deserves for anticipatory bail, 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/-

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