

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2133 of 2018

Arising Out of PS.Case No. -417 Year- 2017 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Anil Kumar Singh @ Anil Kumar, Son of Late Lakhan Singh, Resident of Bhalar,
Police Station Dharhara, District- Munger.

.... Appellant/s

Versus

1. The State of Bihar
2. Sakhichand Paswan, Son of Late Peru Paswan, resident of Maniyarchak, Police
Station Mufassil, District - Munger

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-08-2018

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 vide order dated 30.05.2018 in
A.B.A. No. 345 of 2018 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge S.C./S.T. (POA) Act, Munger in connection
with Complaint Case No. 417C of 2017 registered under Sections
323, 504 of the Indian Penal Code as well as Sections 3/4 of the
SC/ST Act.

Complaint based allegation would reveal that when
the complainant demanded his wages, the appellant, allegedly, abused



and assaulted by taking caste name and committed theft of Rs.200/-.

Submission of the learned counsel for the appellant is that the complainant has been set up by the *Samdhi* of the appellant with whom dispute is already going on. The appellant has got no criminal antecedent.

Learned counsel for the informant opposed the prayer for bail on the ground that the FIR prima facie discloses the commission of offence under the SC/ST Act.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the background of allegation which has come during investigation that the complainant was set up by the *Samdhi* of the appellant, 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the



appellant as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	07.08.2018
Transmission Date	07.08.2018

