

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3462 of 2017

Arising Out of PS.Case No. -125 Year- 2016 Thana -PALASI District- ARRARIA

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1. Dayanand Sah, S/o Late Sohan Lal Sah, Resident of Village- Chaparghat
Kasba, P.S.- Kasba, District- Purnea, at present Halka Karamchari, Palasi
Anchal, Halka No.6, P.S.- Palasi, District- Araria..... Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 12-03-2018

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 A.C.J.M.,III, Araria in connection with Palasi P.S.Case No. 125 of 2016 registered under Sections 406,420,467,468,471,120(B) of the Indian Penal Code as well as under Sections 3/4 of the Scheduled Castes and Scheduled Tribes Act. After investigation, police submitted chargesheet under Section 504 of the Indian Penal Code and Section 3(I)(X) of SC/ST Act.

The appellant is Halka Karamchari.

The complainant had gone to pay the rent of his land and get receipt. The document of the complainant was suspected to be not genuine by the appellant and for that reason, some altercation took place. Allegation is that the



appellant abused by taking caste name of the informant.

Submission is that the false implication is there just to pressurize the appellant who has got no criminal antecedent. This is a case of abuse of the process of law which is meant for protection of the interest of the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Considering the entire facts aforesaid, 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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