

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2515 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- EASTCHAMPARAN (MOTIHARI)

- =====
1. Anil Singh, S/o Isbi Singh
 2. Bipul Kumar Singh, Son of Anil Singh
 3. Lakhuni Devi, Wife of Isbi Singh, All are residents of Village - Darmaha Tola
Kasba, Police Station - Keshariya, District - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... 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: 18-08-2018

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 16.05.2018 in A.B.P. No. 941 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Keshariya P.S. Case No. 01 of 2018 registered under Sections 147, 149, 341, 323, 324, 307, 354, 379, 448, 504, 506 of the Indian Penal Code as well as Sections 3(1)(v) of the SC/ST Act.

The informant claims that there was agreement to



purchase property with the father of appellant no. 1 Anil Singh. The land was not being transferred in spite of the receipt of part consideration money. Legal notice was given and infuriated by that act of the informant, all the appellants, allegedly, committed abuse and assault. Specific allegation is against appellant no. 1 Anil Singh to have caused injury at the neck of the informant with Tanguli (a sharp cutting weapon).

Submission is that the Doctor has found simple injury. Other allegations are ornamental and concocted one. There is no evidence of agreement to sale between the parties, hence, there was no reason to send any legal notice. Just to grab the land of the appellants, informant wanted to put forward a false case.

Considering the nature of allegation against appellant no. 1 Anil Singh which shows that Anil Singh had knowledge that his act might cause death, I am not inclined to enlarge the appellant on anticipatory bail.

Hence, appellant no. 1 Anil Singh may surrender within a period of three weeks from today and pray for regular bail.

Other appellants Bipul Kumar Singh and Lalchuni Devi are directed to be released on anticipatory bail, 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, on furnishing bail



bonds of Rs.20,000/- (rupees 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 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 partly dismissed and partly allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	21.08.2018
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