

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.3191 of 2018**

Arising Out of PS.Case No. -321 Year- 2016 Thana -NAUTAN District-  
WESTCHAMPARAN(BETTIAH)

=====

1. Brijesh Prasad S/o Kashi Prasad, R/o Vill.- Jokaha Gurwaliya, P.S.- Manuwapul,  
Distt.- West Champaran.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Aditya Nath Jha, Adv

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 06-09-2018**

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 order dated 31.05.2018 in A.B.P. No.711 of 2018 passed by the learned Additional District & Sessions Judge-1<sup>st</sup>-cum-Special Judge, Bettiah, West Champaran in connection with Tr. No.04 of 2018 arising out of Nautan P.S.Case No. 321 of 2016 registered under Sections 323,504 of the Indian Penal Code as well as under Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

Allegation is that appellant allegedly abused and



assaulted to the complainant by taking his caste name. Initial complaint was registered as police case and after investigation the police did not send the appellant for trial. However, the learned court below has differed with the opinion of the police and taken cognizance in the case.

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

Considering the nature of allegation and statement of the appellant that he has got no such criminal antecedent as well as the fact that during investigation, the police did not find the allegation true, 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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, the impugned order is set aside and this



appeal stands allowed.

**(Birendra Kumar, J)**

Nitesh/-

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