

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4071 of 2018

In
Criminal Appeal (DB) No.974 of 2018

Arising Out of PS. Case No.-615 Year-2017 Thana- KANKARBAG District- Patna

1. Ram Badan Prasad, Son of Late Brahma Dev Prasad
2. Rajeev Kumar @ Rajeev Kudmar, Son of Ram Badan Prasad
Both residents of Mohalla P.C. Colony, P.S. Kankarbagh, District Patna
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amit Kumar Jha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 27.07.2018 in A.B.P. No. 5419 of 2018 passed by the learned 5th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Kankarbagh P.S. Case No. 615 of 2017 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

The FIR would reveal that there is relationship of landlord and tenant between the parties. On demand of rent, allegation is that one the appellants abused to the complainant.

Submission is that the dispute is just for vacation



of the premise and to pressurize, false case has been lodged. Appellants have got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Hence, let the appellants, above named, 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, be released on anticipatory bail 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 the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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