

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2405 of 2018

Arising Out of PS.Case No. -340 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN (MOTIHARI)

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1. Alam Ansari @ Md. Alam @ Alam S/o Late Kodai Ansari, R/o Vill.- Majurahan,
P.S.- Turkauliya, District- East Champaran, At present R/o Mohalla- Hanuman
Garhi, P.S.- Town Motihari, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-08-2018

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 28.05.2018 in A.B.P. No.1137 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, East Champaran, Motihari in connection with Turkaulia P.S.Case No. 340 of 2015 registered under Sections 341,323,406,504/34 of the Indian Penal Code as well as under Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes Act.

The informant was a witness in Partition Suit No.174



of 2004 vide a copy of deposition at Annexure-3. The said partition suit was of the family of the appellant.

Submission is that since the informant was a witness of the opponent, there was grudge and for that reason false F.I.R. has been lodged with allegation that the appellant had engaged the informant as labour on Rs.300/- (Rupees Three Hundred). However, after completion of the work only Rs. 150/- (Rupees One Hundred and Fifty) was paid and for that reason abuse and assault was committed.

Considering the background and nature of allegation as well as statement of the appellant on oath that he has got no criminal antecedent, 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/-

AFR/NAFR	NAFR
CAV DATE	NA
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