

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3157 of 2018

Arising Out of PS. Case No.-4 Year-2018 Thana- SC/ST District- Vaishali

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Dilip Jha Son of late Chandra Shekhar Jha Resident of Village- Rampur
Ramhar, Police Station- Jandaha, in the district of Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-12-2018

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 26.07.2018 in A.B.P. No. 1512 of 2018 passed by the learned 1st Additional Sessions Judge, Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No. 04 of 2018 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code as well as Sections 3(i)(r), 3(i)(s) of the SC/ST Act.

For land dispute, preventive criminal proceeding is going on between the parties. In the aforesaid background, allegation is of commission of assault and abuse by taking caste name.

Learned Special Public Prosecutor opposed the prayer for bail.



Considering the background of allegation chances of *mala fide* prosecution cannot be ruled out for the purpose of consideration of this prayer for anticipatory bail. Hence, 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/- (rupees twenty thousand) 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 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 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.
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