

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2898 of 2018**

Arising Out of PS. Case No.-310 Year-2017 Thana- DIGHA District- Patna

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1. Mithlendra Kumar Singh,
  2. Satyendra Kumar Singh,
  3. Ashutosh Kumar Singh,

All are sons of late Akhileshwar Singh, R/o. Nirala Nagar, P.S. Digha,  
District Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                        |
|----------------------|---|------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Saroj Kumar Sharma, Advocate<br>Mst. Kiran Kumari Sharma, Advocate |
| For the Respondent/s | : | Smt Usha Kumari No-1, SPP                                              |

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

**Date : 04-12-2018**

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 against the refusal of prayer for anticipatory bail vide order dated 18.05.2018 passed by the learned Special Judge (S.C./S.T. Act)-cum- Additional Sessions Judge-V, Patna, in A.B.P. No.3234 of 2018, arising out of Digha Police Station Case No.310 of 2017, registered under Sections 341/323/504/506/379/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The entire allegation arises out of an agreement to sale the property between the parties and non-performance of agreement.

Submission is that a civil suit is going on for the aforesaid purpose. Most of the offences alleged under the Indian Penal Code are bailable.

Considering the background of the allegation chances of mala fide prosecution cannot be ruled out for the purpose of consideration of anticipatory 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 bail on furnishing bail bonds of Rs.20,000/- (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.



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

(Birendra Kumar, J)

Mkr./-

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| AFR/NAFR          | NAFR       |
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