

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2368 of 2018

Arising Out of PS.Case No. -19 Year- 2018 Thana -SC/ST District- PATNA

=====

1. Umesh Prasad Gupta @ Umesh Sah @ Umesh Sao, S/o Sri Vindhyaachal Sah, a resident of House No.338, Lane No.08, Near Jai Mata Di (S.T.D.), Kharanza Road, P.S.- Danapur, Dist- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Niwas Jha, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-08-2018

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 14.05.2018 passed by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in A.B.P. No.2954 of 2018, arising out of SC/ST Police Station Case No.19 of 2018, registered under Sections 341/323/354/504/420/120B of the Indian Penal Code and Sections 3(i)(r)/3(1)(w)/3(1)(g)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that the plot number referred in the FIR was purchased by the appellant from Raj Kumar Chaudhary and others



through registered sale deed dated 05.08.2016.

Allegation is that for same plot the appellant allegedly abuse and assaulted the informant by taking caste name.

Considering the bona fide claim of the appellant on the land malicious prosecution cannot be ruled out for consideration of the prayer for anticipatory bail, 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 bail on furnishing bail bonds of Rs.20,000/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2018
Transmission Date	25.08.2018

