

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.978 of 2018

Arising Out of PS.Case No. -425 Year- 2016 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

=====

1. Madan Mohan Malvia S/o Mahadeo Pandey, R/o Village- Badiha, P.O.-
Shankarur, P.S.- Indrapuri, District- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Singh, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-07-2018

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 09.02.2018 by the learned Additional Sessions Judge-I, Rohtas at Sasaram in connection with Dehri (Indrapuri) P.S.Case No. 425 of 2016 registered under Sections 419,420 of the Indian Penal Code as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

The informant had advanced Rs.25,000/- as advance consideration money in pursuance of an agreement to purchase 01 katha of land from the appellant. The appellant sold the same to another person. On demand of refund of money, the



appellant allegedly abused by taking caste name.

Considering the background of allegation, it does not appear that the appellant was intending to humiliate a member of scheduled caste, 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 (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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