

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1335 of 2018

Arising Out of PS.Case No. -17 Year- 2016 Thana -SC/ST District- SITAMARHI

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1. Ashok Kumar @ Ashok Kr. Singh S/o Late Kumar Suresh Singh, R/o Vill.-
Sabha Sasaula (Sasaulakala), P.S.- Mejarganj, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-07-2018

Supplementary affidavit has been filed by the learned
counsel for the appellant.

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
against the refusal of prayer for anticipatory bail vide Order dated
31.03.2018 passed by the learned 1st Additional Sessions Judge-cum-
Special Judge (S.C./S.T. Act), Sitamarhi, in A.B.P. No.565 of
2018/153 of 2018, arising out of Sitamarhi SC/ST Police Station Case
No.17 of 2016, registered under Sections
341/323/420/406/467/120B/504/34 of the Indian Penal Code and
Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, 1989.

Allegation is that the son of this appellant had cheated the informant on the pretext of managing job. When the informant was searching for the son of the appellant, the appellant and others committed abuse and assault by taking caste name.

Submission is that son of the appellant was business partner of the informant and both were pursuing to get L.P.G. Agency. The same was turned down by the authorities. Thereafter, dispute arose for distribution of the capital between the two and entire story of payment of money for managing job is false one.

Considering the background of the allegation, which does not reveal that the appellant were intending to humiliate a member of scheduled caste, 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
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