IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 980 of 2018

Arising Out of PS.Case No. -162 Year- 2017 Thana -MAJORGANJ District- SITAMARHI

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1. Rajesh Kumar Chaudhary @ Rajesh Kumar S/o Ramchandra Chaudhary, R/o Village- Hirolva, P.S.- Majorganj, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :
For the Appellant/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-04-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Sitamarhi in Majorganj P.S. Case No. 162 of 2017 registered under Sections 341, 323, 379, 504, 506 of the Indian Penal Code as well as Sections 3(i)(v)(s) of the SC/ST Act.

The informant claims to be the guard of the referred mobile tower. Allegation is that informant came to know that the appellant and others have committed theft in the said tower and for that reason abused to the informant by taking his caste name.

Submission is that there is counter case also vide Annexure 3. The said tower is on the land of the appellant vide lease deed at

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Annexure-2. From the time, the informant joined as guard is creating different types of trouble and nuisance and just to pressurize, false case has been lodged. The appellant has got no criminal antecedent.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the entire facts, 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 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 and 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)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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