

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1105 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -SC/ST District- PATNA

- =====
1. Gyaneshwar Prasad Gupta,
 2. Satish Kumar Gupta @ Satish Gupta, Both are Sons of Late Bajrangi Gupta,
R/o Mohalla- Trimurti Nagar, Lane No.2, P.S.- Danapur, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Md. Imteyaz Ahmad, Advocate
For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-05-2018

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 by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in connection with SC/ST (Patna) Police Station Case No.9 of 2018 registered under Sections 341/323/379/504/34 of the Indian Penal Code and Sections 3(i)(r)/3(1)(g)/3(1)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR would reveal that the appellants were tenant in the shop of the informant. Since the shop was needed for personal necessity of the informant, he asked for vacation of the same and for that the appellants abused the informant by taking caste name.



Submission is that the background of the allegation would make it clear that just to get unlawful ejectment, pressure has been put on the appellants by lodging the criminal case.

Considering the background of allegation and the mala fides in lodging the criminal prosecution cannot be completely ruled out for the purpose of this anticipatory bail, 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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CAV DATE	NA
Uploading Date	
Transmission Date	

