

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1606 of 2018

Arising Out of PS.Case No. -146 Year- 2017 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Rahul Kumar @ Rahul Singh S/o Shri Krishna Singh @ Krishna Singh, R/o Vill.- Mohanpur, P.S.- Barauli, District- Gopalganj. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Javed Aslam, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-07-2018

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 05.04.2018 by the learned 1st Addl. Sessions Judge, Gopalganj in connection with Kuchaikote P.S.Case No. 146 of 2017 registered under Sections 323,504,406,420 of the Indian Penal Code as well as under Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellant had taken money from the informant for managing job in the Railways. Subsequently, when the job was not managed and the informant demanded money, the appellant allegedly committed abuse and assault by taking caste name.

Submission is that the appellant was himself indulged in illegal act of getting or managing backdoor entry in public employment. Moreover, the case diary would



reveal that conflicting evidence is there on the record, as some of the witnesses have stated before the police that they were also present at the place of occurrence. However, no such occurrence as alleged in the FIR, took place.

Finding substance in the submission aforesaid, 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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