

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.887 of 2018

Arising Out of PS.Case No. -247 Year- 2014 Thana -BAHERI District- DARBHANGA

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1. Upendra Mandal @ Upendra Mandar, S/o Late Jagdeo Pd Singh, R/o Village-
Baghauni, P.S.- Baheri, District- Darbhanga.
2. Gajendra Prasad Singh @ Sikandar Singh @ Sikandar S/o Late Jagdeo Prasad
Singh, R/o Village- Baghauni, P.S.- Baheri, District- Darbhanga. Appellant/s
Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-05-2018

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 the learned 1st Addl. Sessions Judge-cum-Special Judge,
SC/ST Cases in connection with Baheri P.S.Case No. 247 of
2014 registered under Sections 341, 323, 504, 379, 420, 367,
408/34 of the Indian Penal Code as well as under Sections
3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

Allegation in the FIR is that the appellants
intercepted the informant on the way, committed abuse and
assault as well as snatched his money.

Submission of the learned counsel for the appellants
is that the FIR suffers from malicious prosecution inasmuch as
the witnesses before the police stated that the appellants were



demanding their due money from the informant and informant was saying that his money is due with the appellants and for that disputes, the parties had quarreled and other allegations are levelled.

Considering the background and nature of allegation, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each 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 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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