

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1646 of 2018

Arising Out of PS.Case No. -106 Year- 2017 Thana -JALALPUR District- SARAN

=====

1. Mahesh Singh S/o Kedar Singh, R/o Vill.- Sabri Bazar, P.S.- Jalalpur, District- Saran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

WITH

=====

Criminal Appeal (SJ) No. 1645 of 2018

Arising Out of PS.Case No. -106 Year- 2017 Thana -JALALPUR District- SARAN

=====

1. Vikash Mishra S/o Shashi Mishra @ Shashi Bhushan Mishra, resident of Village- Sawri Bazar, P.S.- Jalalpur, District- Saran (Chhapra).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

(In CR. APP (SJ) No.1646 of 2018)

For the Appellant/s : Ms. Sanjana, Advocate

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

(In CR. APP (SJ) No.1645 of 2018)

For the Appellant/s : Mr. Bhaskar Shankar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-08-2018

Heard learned counsel for the parties.

Both these appeals 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 Additional Sessions Judge 1st -cum-Special Judge (S.C./S.T. Act), Saran at Chapra, in connection with Jalalpur Police Station Case No.106 of 2017, registered under Sections 341/323/448/504/506 of the Indian Penal Code and Sections 3(i)(w)/3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants and other named persons is that they came to the house of the informant and attempted to kidnap his daughter on 21.06.2017. When the informant went to make protest the appellants abused and assaulted.

Submission of the learned counsel for the appellants is that the present one is palpably false case with mala fide motive for the reason that the informant had purchased land of the joint family of appellants from co-sharer Kamal Kant Mishra in the name of wife of the informant through registered sale deed and that is the bone of contention between the parties and just to pressurize the present false case has been lodged.

Considering the background of allegation chances of mala fide prosecution cannot be completely ruled out. Hence, 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 orders are set aside and the appeals are allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.08.2018
Transmission Date	15.08.2018

