

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2271 of 2018

Arising Out of PS.Case No. -203 Year- 2018 Thana -BARHARA District- BHOJPUR

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1. Saroj Yadav, S/o Ramashankar Yadav, R/o Vill. - Keshopur, P.S. - Barhara,
District - Bhojpur, At present M.L.A. of Barhara Constituency.

.... 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: 03-08-2018

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 vide order dated 22.06.2018 in A.B.P. No. 896 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhojpur, Ara in connection with Barhara P.S. Case No. 203 of 2018 registered under Sections 504, 506/34, 353 of the Indian Penal Code as well as Sections 3(i)(r)(s), 3(2)(v)9 of the SC/ST Act.

The appellant is local M.L.A. He had made complaint against the informant, who is Assistant Engineer in Flood Control Division, Ara. The complaint was made to the Commissioner, Vigilance vide letter dated 27.12.2017 at Annexure-3 to the



supplementary affidavit alleging therein that no work for preservation of barricade is being performed, rather due to use of low quality material, the same is getting damaged day by day. Thereafter, the appellant filed identical complaint on 03.01.2018, 30.01.2018 and thereafter raised question in the Legislature on 12.02.2018.

Submission is that all the complaints were made the authorities of the Flood Control Division who were misappropriating the public money. Being aggrieved against the appellant and in that background, false allegation has been levelled that the appellant abused on telephone and demanded ransom.

Prayer for bail has been resisted on the ground of criminal antecedent of the appellant mentioned in para 3 of the bail petition which are of trivial nature.

Considering the background of the allegation, 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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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