

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2078 of 2018

Arising Out of PS.Case No. -167 Year- 2018 Thana -MALSALAMI District- PATNA

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1. Tinku Kumar son of Nand Kishore Prasad, resident of Samaspur, P.O. + P.S.
Hatua, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-09-2018

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 vide order dated
30.05.2018 passed by the learned Special Judge (S.C./S.T. Act),
Patna, in A.B.P. No.3637 of 2018, arising out of Malsalami Police
Station Case No.167 of 2018, registered under Sections
147/148/149/323/307/427 of the Indian Penal Code and Section 3(i)
(x) of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989.

According to FIR, the appellant along with his criminal
associates came and forcefully wanted to dispossess to a tenant of
Babluji. In that occurrence abuse and assault was committed.



Submission is that the appellant is also a member of scheduled caste. There is counter case lodged by the wife of this appellant alleging therein teasing and sexual harassment to a girl residing as tenant in the house of the appellant.

Considering the background and the nature of 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 bonds of Rs.20,000/- (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.

Accordingly, the impugned order is set aside and appeal stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2018
Transmission Date	27.09.2018

