IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2540 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- NAUBATPUR District- Patna

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1. Ashok Kumar @ Ashok Rai, Son of Dukhit Rai
2. Kanhai Rai, Son of Ram Pravesh Rai, All Resident of Village- Ram Charan Chhatni, P.S.- Naubatpur, District- Patna.

... ... Appellant/s

Versus

The State of Bihar

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Ashok Kumar Sinha
For the Respondent/s : Smt. Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-11-2018

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) Amendment Act, 2015 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail vide order dated 18.06.2018 passed by the learned Special Judge (SC/ST Act)-cum-Additional Sessions Judge-V, Patna in A.B.P. No.4157 of 2018, arising out of Naubatpur Police Station Case No.48 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 354, 504, 506 of the Indian Penal Code and Sections 3 (1)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant No.2, *Kanhai Rai* had lodged Naubatpur Police Station Case No.235 of 2017 registered under Sections 457 and 380 of the Penal Code against the son of the informant of this case,

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alleging that son of the present informant had committed theft. The stolen property was recovered from the house of the informant of this case.

In the aforesaid background, allegation is that appellants and others allegedly assaulted to the informant and others. The background of the present F.I.R. would show that this may be a case of mala fide prosecution for the purpose of consideration of anticipatory bail. 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/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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