

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2830 of 2018

Arising Out of PS.Case No. -249 Year- 2011 Thana -SC/ST District- VAISHALI(HAJIPUR)

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1. Vishwanath Prasad @ Vishwana Prasad, S/o Late Ram Lalit Prasad,
2. Puspanjali Lata W/o Sri Vishwanath Prasad,
3. Rajiv Ranjan Srivastava @ Sanjay Kumar Srivastava, S/o Sachitanand Singh,
All are resident of Village/Mohalla- Qr. No. 242 (D), Railway Colony, P.S. +
District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amrendra Kumar, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-09-2018

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 order dated 25.06.2018 in A.B.P. No.1807 of 2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra in connection with Saran SC/ST P.S.Case No. 249 of 2011 registered under Sections 341,323,504,406,379 of the Indian Penal Code and Sections 3(i)x(ii) of the Scheduled Castes and Scheduled Tribes Act.

Appellant-Puspanjali Lata had lodged Samastipur



Town P.S.Case No.311 of 2011 on 06.06.2011 against informant of this case, alleging therein that the cheque issued by the informant in favour of Puspanjali Lata bounced. Thereafter, the present FIR has been lodged on 13.07.2011 with allegation that the appellant-Rajiv Ranjan Srivastava @ Sanjay Kumar Srivastava had taken loan of Rs. Three Lacs from the informant and on demand allegedly abused and assaulted.

Submission is that false and concocted allegation is there just to pressurize in the earlier case. Appellants have got no criminal antecedent.

Considering the facts aforesaid, 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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