

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1437 of 2018

Arising Out of PS. Case No.-28 Year-2015 Thana- SC/ST District- Rohtas

Uma Shankar Singh S/o Late Vishwanath Singh, R/o Vill.+Post- Barawn,
P.S.- Nokha, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

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 13.02.2018 in A.B.P. No.188 of 2018 passed by the learned 1st Addl. Sessions Judge, Rohtas at Sasaram in connection with Sasaram SC/ST P.S.Case No.28 of 2015 registered under Sections 341, 323, 380, 427, 467, 468, 469, 471, 354, 504, 506/34 of the Indian Penal Code as well as under Sections 3(i)(x) (xi) of the Scheduled Castes and Scheduled Tribes Act.

Submission of learned counsel for the appellant is that the appellant had lodged Nokha P.S.Case No.120 of 2014 against the husband of the



informant and others for offences under Sections 406,506,34 of the Indian Penal Code. The informant of the present case is also an accused in that case. Just to pressurize in that case, the wife of the informant lodged Nokha P.S.Case No.22 of 2015 for offences under Sections 376 and 511 of the Indian Penal Code, which was registered on the basis of a complaint case filed before the learned court below. After investigation, the police found the case untrue vide Annexure-4. Allegation in the present FIR is that entire occurrence took place for pressurizing withdrawal of the criminal case lodged by informant-Malti Devi for offences under Sections 376 and 511 of the Indian Penal Code.

Considering the entire background of allegation aforesaid, chances of malafide prosecution cannot be ruled out, hence, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.12.2018
Transmission Date	18.12.2018

