

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2176 of 2018

Arising Out of PS. Case No.-13 Year-2018 Thana- SC/ST District- Nawada

-
1. Dilip Singh @ Bipin Kumar, Son of Late Sitaram Sharma,
 2. Bado Singh, Son of Late Kedar Singh,
 3. Santu Singh, Son of Sri Anandi Singh @ Anandi Sharma,
 4. Karu Singh, Son of Sri Bado Singh, All are resident of Village-
Pachhiya Dih, Police Station- Mufassil in the district of Nawada

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Navin Sharma

For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-12-2018

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 06.06.2018 in A.B.P. No. 730 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with Nawada Sadar SC/ST P.S. Case No. 13 of 2018 registered under Sections 341, 323, 504, 506, 435/34 of the Indian Penal Code as well as Sections 3(1)(r)(s), 3(2)(iii) of the SC/ST Act.

Informant is helper of one Ram Charitra Singh



and he was doing cultivation on the field of Ram Charitra Singh. On the date of occurrence, other named persons allegedly came on the field and asked not to cultivate the same rather, they committed mischief by arson causing damage to the wheat crop. When the informant was to report the matter to the police, in the subsequent occurrence, the appellants abused with threat not to lodge case with the police.

Submission is that allegation is general and omnibus and the appellants have been falsely implicated at the instance of Ram Charitra Singh with whom the appellants have several cases going on.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that appellant nos. 1, 3 and 4 have got criminal antecedent but they have not stated so in para 3 of the memo of appeal.

Learned counsel for the appellants submits that all those cases were lodged after filing of this appeal and the appellants have no knowledge of those cases which would be evident from the supplementary affidavit filed in this case.

Considering the general and omnibus nature of allegation, 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 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below. If the court below would come to the notice that appellants were accused with knowledge of any other case prior to filing of this criminal appeal on 25.06.2018 that would be a ground for cancellation of bail.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	12.12.2018
Transmission Date	12.12.2018

