

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2172 of 2018

Arising Out of PS.Case No. -852 Year- 2016 Thana -KHAGARIA COMPALINT CASE District-KHAGARIA

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Phulendra Mandal @ Phulo Mandal, S/o Late Prayag Mandal, R/o Vill. Temabanni
Rohri, P.S. - Mahesh Khunt, District - Khagaria.

.... Appellant/s

Versus

1. The State of Bihar.
2. Usha Devi, W/o Amrit Paswan, R/o Vill.- Mahda, P.S. - Mahesh Khunt, District - Khagaria.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-08-2018

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 04.06.2018 in Special A.B.A. No. 38 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Khagaria in connection with Complaint Case No. 852C of 2016 registered under Sections 323, 379, 354 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

Husband of the complainant is an accused in connection with Complaint Case No. 611C of 2016 pending in the Court of learned Judicial Magistrate, Khagaria and in that complaint case, the informant is witness no. 5.

Submission is that just to pressurize, the appellant not to



depose in that case, the present complaint case has been filed with allegation that the appellant abused the complainant by taking her caste name and snatched the money.

Learned Special Public Prosecutor opposed the prayer for bail.

Since the complainant has suppressed about the earlier case wherein the appellant is witness against the complainant, 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 bond of Rs.20,000/- (rupees 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	07.08.2018
Transmission Date	07.08.2018

