

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No. 2492 of 2018**

Arising Out of PS.Case No. -91 Year- 2017 Thana -SC/ST District- PURNIA

- =====
1. Laxmi Singh, Son of Mahendra Singh,
  2. Laxman Singh, Son of Mahendra Singh,
  3. Ram Naresh Singh, Son of Mahendra Singh, All are resident of Village Maharajpur, P.S. Sadar (Muffasil), Ranipahra, District- Purnea.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellants : Mr. Arvind Kumar, Advocate  
For the Informant : Mr. Ram Pravesh Kumar, Avanish Kumar,  
Advocates  
For the Respondent : Mr. Binay Krishna, S.P.P.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 24-08-2018**

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 22.05.2018 in A.B.P. No. 14 of 2018 passed by the learned Special Judge, Purnea in connection with Spl. SC/ST Case No. 349 of 2017 arising out of SC/ST P.S. Case No. 91 of 2017 registered under Sections 323, 379, 354 of the Indian Penal Code as well as Sections 3(i)(x)(xi) of the SC/ST Act.

The prayer for anticipatory bail of appellant no. 1



Laxmi Singh is infructuous now as he has already been arrested.  
Hence, his appeal stands dismissed as infructuous.

Title Suit No. 11 of 2016 is going on between the parties in the court of learned Civil Judge, Senior Division-1, Purnea. In the aforesaid background, allegation is of commission of assault and theft as well as attempt to outrage the modesty of the informant.

Submission of the learned counsel for the appellants is that initially complaint case was filed deliberately suppressing the civil suit between the parties and just to pressurize in the civil suit brought by the appellants, false case has been lodged.

Learned counsel for the informant opposed the prayer for anticipatory bail.

It appears that the police have already submitted final form in this case, however, learned court below disagreed with the police report and took cognizance.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the facts aforesaid, it is evident that chances of mala fide prosecution cannot be ruled out for the purpose of consideration of this anticipatory bail, accordingly, let the **appellant no. 2 Laxman Singh and appellant no. 3 Ram Naresh Singh**, 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant no. 2 and 3 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 no. 2 and 3 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

**(Birendra Kumar, J)**

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