

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2125 of 2018

Arising Out of PS.Case No. -32 Year- 2016 Thana -PUPRI District- SITAMARHI

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1. Kaushlesh Narayan Jha @ Chandan, S/o Satyanarayan Jha, Resident of
Village- Behta, P.S.- Benipatti, District- Madhubani.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ratankar Jha, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

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 against the refusal of prayer for anticipatory bail vide order dated 28.04.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Sitamarhi, in A.B.P. No.781 of 2018/193 of 2018, arising out of Pupri Police Station Case No.32 of 2016, registered under Sections 341/323/406/506/34 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant is proprietor of the referred Nursing home; where the informant had got treatment of his mother. Subsequently, the patient was referred to some other hospital. Allegation is that the



appellant abused to the complainant by taking caste name.

Submission is that for trivial dispute relating to payment of cost of treatment or refund of the same false case has been lodged. The appellant has got no criminal antecedent.

Considering the facts aforesaid, 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 bonds of Rs.20,000/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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