

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3060 of 2018

Arising Out of PS. Case No.-144 Year-2012 Thana- KHIJARSARAI District- Gaya

Betiya Singh @ Sudhir Singh @ Wetiya Singh, Son of Chingi Singh, Resident
of Village- Saidpur, Police Station- Khizar Sarai, District- Gaya... Appellant/s
Versus

The State of Bihar. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No-2, Adv

For the Respondent/s : Mr.Binay Krishna,SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 20-12-2018

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 24.02.2018 in Tr. No.32 of 2017 arising out of Khizarsarai P.S.Case No.144 of 2012 passed by the learned Special Judge, SC/ST Act, Gaya registered under Sections 341,323,353 and 504 of the Indian Penal Code as well as under Sections 3(x) of the Scheduled Castes and Scheduled Tribes Act.

Allegation against the appellant is that he abused to the informant for the reason that some other Panchayats were also handed over in the charge of the informant.

Submission of learned counsel for the appellant is that for political rivalry, the local Mukhiya-Nisar Ahmed has got the case registered and besides the informant and Nisar Ahmed, there is no other eye witness of the occurrence. No motive has



been alleged for commission of the act by the appellant.
Appellant has got no criminal antecedent.

Considering the background of allegation, chances of malafide prosecution cannot be ruled out for the purpose of consideration of this prayer for anticipatory bail, 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
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