

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3090 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -MAHNAR District- VAISHALI(HAJIPUR)

- =====
1. Devendra Rai, S/o Ramashish Rai,
 2. Ravindra Rai, S/o Opendra Rai,
 3. Guddu Rai @ Guddu Kuamr Rai, S/o Devendra Rai, All resident of Village-Tara Chouri, P.S.- Mahnar, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan No.II, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-10-2018

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 21.07.2018 passed by the learned Additional Sessions Judge-I, Vaishali at Hajipur, in A.B.P. No.1249 of 2018, arising out of Mahanar Police Station Case No.9 of 2018, registered under Sections 447/341/323/504/506/385/34 of the Indian Penal Code and Sections 3(i)(r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission of learned counsel for the appellants is that the FIR would reveal that the background of the allegation is that electricity department had posted electric pole, which caused inconvenience to the informant, and informant suspected that the



same was posted thereat at the instance of the appellants due to non-fulfillment of demand of ransom by the appellants. The appellants have stated on oath that they have got no criminal antecedent. The background of allegation does not show that the appellants were intending to humiliate a member of the scheduled caste; rather chances of mala fide prosecution cannot be ruled out for the purpose of consideration of this anticipatory bail.

Hence, 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 bail on furnishing bail bonds of Rs.20,000/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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