

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3245 of 2018

Arising Out of PS. Case No.-724 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. Vijay Kumar Singh @ Vijay Singh @ Vijay Mahto, Son of Girdhari Mahto,
2. Prabhunath Singh @ Prabhunath Mahto, Son of Late Laxman Singh @ Laxman Mahto, Both are the Residents of Mohalla-Takiya, P.S. Sasaram Model, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-11-2018

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 28.05.2018 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in Registered Case No. 146 of 2018, arising out of Sasaram (Muffasil) P.S. Case No.724 of 2018, registered under Sections 147/149/341/323/448/379/504/506/354 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



According to FIR, appellant Prabhunath Singh @ Prabhunath Mahto assaulted with iron road at the back of the informant and Vijay Kumar Singh @ Vijay Singh committed house trespass. Other allegations are against other accused persons.

Background of the allegation is that Title Suit No.511 of 2004 between the parties was decreed in favour of appellant's side vide copy of the judgment at Annexure-3. There is case and counter case. Previous criminal case was also lodged by the husband of the informant.

Considering the aforesaid background of the allegation chances of malicious prosecution cannot be ruled out for consideration of prayer for anticipatory bail, 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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