

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2694 of 2018

Arising Out of PS. Case No.-1 Year-2018 Thana- SC/ST District- Samastipur

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1. Jai Narayan Singh Son of Late Brahmdeo Singh
 2. Pawan Kumar Singh
 3. Subodh Kumar Singh @ Subodh Kumar
 4. Vimal Kumar Singh @ Vimal Kumar
 5. Pankaj Kumar Singh @ Pankaj Kumar All sons of Jai Narayan Singh All residents of village - Kamla, PS - Ujiarpur, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

with

Criminal Appeal (SJ) No. 2853 of 2018

Arising Out of PS. Case No.-1 Year-2018 Thana- SC/ST District- Samastipur

Manindra Mohan @ Bambam Singh, S/o Parmanand Singh, Resident of Village- Kamla, P.S.- Ujiarpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

(In Criminal Appeal (SJ) No. 2694 of 2018)

For the Appellant/s : Mr. Arvind Kumar Sharma, Adv

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP

(In Criminal Appeal (SJ) No. 2853 of 2018)

For the Appellant/s : Mr. Arvind Kumar Sharma, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-12-2018

Heard learned counsel for the parties in both the appeals.

Both the appeals 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 05.06.2018 in A.B.P. No.947/2018,959/2018 and 1013 of 2018 passed by the learned Addl. District and Sessions Judge-1-cum-Special Judge SC/ST, Samastipur in connection with SC/ST P.S.Case No. 1 of 2018 registered under Sections 147,149,341,323,354A,354B,307,504 of the Indian Penal Code and Sections 3(i)(Q)(R)(W),3(2)(V)A of the Scheduled Castes and Scheduled Tribes Act.

Appellant-Jai Narayan Singh had lodged complaint case No.02 of 2018 on 02.01.2018 against the informant of this case and others, alleging therein that on 23.12.2017 and on 31.12.2017, when the granddaughter of the appellant was going to school, the informant and others teased her rather sexually harassed her. The informant admitted his guilt before the Panches and promised not to repeat the act aforesaid. On 31.12.2017, the informant was forcefully trying to drag the victim girl on his motorcycle, the people there saw the informant and assaulted him.

Submission is that just to save the skin from that case, the present false case has been lodged with allegation that when the informant had gone to the flour mill of the appellant No.1 to bring the wheat, he was abused by taking caste name and assaulted by all the



appellants after dragging him out alleging that he had touched the goods of others being a member of scheduled caste.

Submission is that in the background of allegation, the chances of malafide prosecution cannot be ruled out.

On the other land, learned counsel for the informant opposed the prayer for anticipatory bail on the ground of seriousness of the allegation disclosed in the FIR. He further submits that the informant was carried to different places for treatment as he had sustained severe injury, he was a minor boy of 15 years, hence allegation against him of teasing the girl of the family of the appellants is completely false and concocted. The witnesses have supported the allegation of this case before the police.

Considering the background of allegation, the chances of malafide prosecution cannot be ruled out for the purpose of consideration of this prayer for 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each 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 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2018
Transmission Date	05.12.2018

