

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2817 of 2018**

Arising Out of PS. Case No.-238 Year-2018 Thana- TURKAULIYA District- East  
Champaran

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Pramod Kumar, S/o Late Ramchandra Prasad, Resident of Village- Pipra,  
P.S.- Darpa, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Appellant/s  | : | Mr. Nafisuzzoha, Advocate       |
| For the Respondent/s | : | Mr. Binay Krishna, Spl. P.P.    |
| For the Complainant  | : | Mr. Madhurendra Kumar, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 10-12-2018**

Heard learned counsel for the parties.

This is an appeal under Section 14(A) (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 21.06.2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, East Champaran, Motihari in A.B.P. No.1358 of 2018, arising out of Turkaulia (Banjariya) Police Station Case No.238 of 2018 registered under Sections 384, 504, 506, 323 of the Indian Penal Code and Sections 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Complaint based allegation would reveal that the appellant is co-villager of the complainant. When the complainant was on the way, the appellant stopped him and demanded ransom on the ground that the complainant is earning a lot as *Panchayat Secretary*.

Submission is that the real fact has been suppressed by the complainant. The appellant had advanced Rs.1,31,000/- (Rupees One Lac and Thirty One Thousand) on 13.04.2012 through cheque withdrawal to the complainant as a part consideration money for purchase of a land. The complainant was not ready to transfer the land and that is the bone of contention. The appellant has got no criminal antecedent.

Learned counsel for the complainant opposed the prayer for anticipatory bail.

Considering the background of allegation, which is substantiated by material brought on record by filing supplementary affidavit, chances of mala fide prosecution cannot be ruled out for the purpose of consideration of 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 bail on furnishing bail bond of Rs.20,000/- (Rupees



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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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)**

abhishek/-

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