

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.285 of 2018

Arising Out of PS.Case No. -285 Year- 2017 Thana -BARHARA District- BHOJPUR

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Dhananjay Kumar S/o Late Ram Pravesh Ram, R/o Village- Sabalpur
Mathiya, P.S.- Barahara, District- Bhojpur.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Uday Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-02-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 6th Additional District and Sessions Judge, Bhojpur, Ara in connection with Barahara P.S.Case No. 285 of 2017 registered under Sections 341, 323, 406, 420, 120B, 504, 34 of the Indian Penal Code as well as under Sections 30(i)(R)(S)/3(2)(v) a of the Scheduled Castes and Scheduled Tribes Act.

The FIR disclosed main allegation of non-execution of agreement to sell in spite of receipt of consideration money. The offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is



specifically alleged against co-accused Rajnish Kumar @ Lalu Singh. There is no such allegation against the appellant. Hence, bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not attracted. Other allegation relates to civil dispute.

Learned counsel for the informant opposed the 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 as well as condition that 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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