

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4077 of 2018

Arising Out of PS. Case No.-126 Year-2018 Thana- PUNPUN District- Patna

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Lallan Kumar, Son of Sri Birendra Singh, resident of Village-
Chhakanbigha, P.S.- Punpun, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-12-2018

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 bail by order dated 04.09.2018 passed in Special Case No.224 of 2018, arising out of Punpun P.S.Case No.126 of 2018, by the learned 4th Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Patna, registered under Section 376-D of the Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is a staff in the Poultry Farm owned by Raj Kumar Prasad. The statement of the informant recorded under Section 164 Cr.P.C. would



reveal that Raj Kumar Prasad had some dispute with co-accused- Simpu Kumar. For that reason, Simpu Kumar along with 4 to 5 unknown came to the Poultry Farm, demanded rupees one lac from Raj Kumar Prasad and on refusal, they allegedly ravished to the informant. In the statement, under Section 164 Cr.P.C., the appellant is not named, whereas appellant is named by the same informant in the FIR.

Contention is that at the instigation of the Proprietor of the Poultry Farm, with whom Simpu has some dispute, false allegation has been levelled, just to harass. Appellant is in custody since 24.05.2018. Investigation of the case is already complete.

Finding substance in the submission aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (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, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further 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, the impugned order is set aside
and this appeal stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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