

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.669 of 2018

Arising Out of PS.Case No. -109 Year- 2017 Thana -HALSI District- LAKHISARAI

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1. Deepak Kumar Saw, Son of Ramdeo Saw,
2. Sawita Devi, wife of Deepak Kumar Saw, Both are resident of Village-
Tetarhat, Police Station- Halsi, in the district of Lakhisarai..... Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-04-2018

Heard learned counsel for the parties.

This is an appeal 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 the learned Additional District & Sessions Judge, Lakhisarai in connection with Halsi P.S.Case No. 109 of 2017 registered under Sections 354,341,323,504/34 of the Indian Penal Code as well as under Sections 3(x) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, appellant-Deepak Kumar Saw allegedly dragged to the wife of the informant with some illicit motive. When she made alarm, the informant came out and thereafter the appellants fled away. In the meantime, wife of Deepak Kumar Saw, appellant No.2 came and started abuse by taking caste name of the informant.



Learned counsel for the appellants submits that informant is in the habit of harassing people by lodging false cases under the provisions of SC/ST Act. One identical case vide SC/ST P.S. Case No. 53 of 2009 was lodged by the same informant against Jabbar Mian and others. Appellant-Deepak Kumar Saw was cited as a witness in that case. None of the prosecution witnesses including the appellant-Deepak Kumar Saw supported the false allegation of the informant in that case and the trial resulted in acquittal vide judgment dated 18.05.2016 at Annexure-2. For that reason, the informant had some grudge to harass the appellants. Moreover, besides the informant and his wife, no other witness has supported the allegation. Hence, it is evident that the occurrence did not take place in public view. There is delay in lodging of the present FIR. For the occurrence dated 27.09.2017, the FIR was lodged on 16.11.2017.

Learned counsel for the informant submits that serious allegation is there against appellant-Deepak Kumar Saw of outraging the modesty of the wife of the informant and commission of assault, which resulted in fracture. Moreover, the appellants have got criminal antecedents.

No material has been brought on the record to substantiate criminal antecedent of the appellants. The appellants have stated on oath that they have got no criminal



antecedents.

Considering the entire facts aforesaid, 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. If the learned court below would be brought with notice that the appellants or any of the appellant has got criminal antecedent with knowledge and has suppressed the aforesaid fact, the learned court below shall be at liberty to cancel the bail bond of that appellant 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.04.2018
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