

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1722 of 2018

Arising Out of PS.Case No. -505 Year- 2017 Thana -MARHAURA District- SARAN

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Alok Kumar Singh @ Alok Kumar, son of Awadhesh Singh, resident of
Village- Marhowrah, Baishya Toli, P.S.- Marhowrah, District- Saran.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Harish Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 24-05-2018

Heard learned counsel for the Appellant and learned

Spl. P.P. for the State.

This Appeal has been preferred against the impugned order dated 01.05.2018 passed by the learned **1st Additional Sessions Judge, Chapra**, in connection with **Marhowrah P.S. Case No. 505 of 2017** registered for the offence under Sections 323, 379, 406, 386, 467, 468, 120(B) of the Indian Penal Code and Section 3 (i) (x) of SC/ST Act, by which the prayer for anticipatory bail of the Appellant has been rejected.

In the written report it is alleged that this Appellant assaulted the informant and abused him by taking his caste name.

Learned counsel for the Appellant has submitted that occurrence is alleged to have taken place on 24.05.2017 and complaint case has been filed on 3.7.2017 i.e. after lapse of one



month ten days. It has further been submitted that the instant case has been filed by the informant merely because the informant had purchased cloths from the shop of the Appellant on credit and when the Appellant went to make demand of his due amount of Rs.18,000/- from the informant then the instant case has been filed by the informant.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order dated 01.05.2018 passed by the learned **1st Additional Sessions Judge, Chapra**, in connection with **Marhowrah P.S. Case No. 505 of 2017**, is hereby set aside.

Let the Appellant above named in the event of surrender/arrest within six weeks from today, in connection with **Marhowrah P.S. Case No. 505 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **1st Additional Sessions Judge, Chapra**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) Appellant shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason



will be liable to cancel his bail bond and (3) if Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

(Sanjay Priya, J)

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