

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2277 of 2018

Arising Out of PS.Case No. -13 Year- 2017 Thana -HAYAGHAT District- DARBHANGA

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1. Manoj Sah, S/o Paltan Sah, R/o Vill. - Rasulpur, P.S. - Hayaghat, District - Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-08-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.05.2018 in A.B.P. No. 564 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Darbhanga in connection with Hayaghat P.S. Case No. 13 of 2017 registered under Sections 420, 406, 467, 468, 471, 120B, 341, 323, 354A, 506, 504/34 of the Indian Penal Code as well as Sections 3(i)(s), 3(i)(r)/3(i)(w) of the SC/ST Act.

The informant was cheated by other named accused persons after persuasion to deposit money in the referred private bank. When the informant went to complain to this appellant who is husband of the Surpanch, the appellant and others allegedly abused by taking caste name.

Submission is that there is no reason to make complaint to the appellant because he is not a Surpanch nor the appellant has got any criminal antecedent, save and except, a case lodged by the daughter-in-law of the



present informant.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the facts aforesaid, in my view, the appellant deserves anticipatory bail, 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 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	13.08.2018
Transmission Date	13.08.2018

