

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1688 of 2018

Arising Out of PS. Case No.-80 Year-2009 Thana- AMARPUR District- Banka

Suresh Prasad Yadav, Son of Late Dewal Yadav, Resident of Village-
Kathoun, Police Station- Katoriya, District- Banka.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar

For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-07-2018

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 23.04.2018 passed by the learned Additional Sessions Judge-I, Banka in A.B.P. No.396 of 2018, arising out of Amarpur Police Station Case No.80 of 2009 registered under Sections 406, 409, 420 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation is that the appellant, who was a *Panchayat Sewak* did not pay the wages of the informant and allegedly abused and assaulted him.



Submission is that after investigation the appellant was not sent-up for trial, however, the learned Magistrate has differed with the Police report and has taken cognizance.

Considering the conflicting material in the Case Diary and the fact that the appellant was not sent-up for trial by the Police, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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)

abhishek/-

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Transmission Date	

