

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3416 of 2018

Arising Out of PS. Case No.-3 Year-2018 Thana- SC/ST District- Patna

Vishwajit Kumar S/o Subash Kumar Malakar @ Subash Bhagat, R/o Vill.-
Tiwari Tola, P.S.- Maner, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gopal Govind Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 14.05.2018 in A.B.P. No. 2914 of 2018 and 2933 of 2018 arising out of Special Case No. 21 of 2018 passed by the learned 5th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Patna (Danapur) SC/ST P.S. Case No. 03 of 2018 registered under Sections 147, 148, 149, 448, 341, 323, 324, 307, 379, 354B, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r), 3(1)(g), 3(1)(p), 3(1)(w), 3(1)(z) of the SC/ST Act.



For land dispute, specific allegation is against other individuals to have committed assault causing injury at the head of the injured. Allegation against the appellant is that he put the informant on the earth by catching her hairs, torn her clothes by calling her caste name and threatened not to go to the police station.

Submission is that the allegation is ornamental one just to pressurize in land dispute.

Learned Special Public Prosecutor opposed the prayer for bail.

Finding substance in the submission aforesaid, 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 anticipatory 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 the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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