

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1454 of 2018

Arising Out of PS.Case No. -63 Year- 2017 Thana -TRIVENIGANJ District- SUPAUL

- =====
1. Ganga Prasad Yadav,
 2. Ranjeet Yadav
 3. Deo Narayan Yadav

All 1 to 3 are sons of Kusham Lal Yadav, R/o Vill.- Babhangama Ward No. 5,
P.S.- Tribeniganj, District- Supaul.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-07-2018

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 against the refusal of prayer for anticipatory bail vide order dated 31.01.2018 passed by the learned Additional Sessions Judge-I, Supaul, in A.B.P. 982 of 2017, arising out of Tribeniganj Police Station Case No.63 of 2017, registered under Sections 341/323/379/427/504/506/34 of the Indian Penal Code and Sections 3(i)(r)/3(1)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission of the learned counsel for the appellants is that Sri Prasad Yadav, agnate of the appellants, had lodged Tribeniganj P.S. Case No.60 of 2017 on 26.02.2017 alleging therein that on 25.02.2017 the named accused persons including the informant of this



case have kidnapped the minor daughter of Sri Prasad Yadav. Thereafter just to pressurize, the present FIR was lodged on 28.02.2017 for the alleged occurrence dated 27.02.2017 with allegation that the appellants abused and assaulted as well as committed theft. Contention is that the present one is mala fide prosecution just to save the skin from the earlier case.

Finding substance in the submission 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 bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each 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 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, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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