

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2005 of 2018

Arising Out of PS.Case No. -105 Year- 2017 Thana -PHULWARI District- PATNA

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1. Kallu Kumar, S/o Sri Surendra Rai @ Surendra Ray, R/o Vill.- Aalampur,
P.O.- Gouanpura, P.S.- Phulwarisarif, Dist.- Patna.

.... 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: 21-08-2018

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 05.01.2018 in A.B.P. No. 6166 of 2017 passed by the learned 5th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Spl. Case No. 143 of 2017 arising out of Phulwari P.S. Case No. 105 of 2017 registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

Offences of the Indian Penal Code alleged against the appellants are bailable. Appellants have stated on oath that they have got no criminal antecedent.

Submission is that false case has been lodged due to



some trivial dispute relating to payment of cost of the articles used by the appellants for breakfast.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the aforesaid facts, 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.
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