

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2409 of 2018

Arising Out of PS.Case No. -111 Year- 2018 Thana -CHIRAIYA District- EASTCHAMPARAN
(MOTIHARI)

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1. Narendra Kumar Singh, S/o Saryug Singh,
2. Surendra Bhaiya @ Surendra Singh S/o Saryug Singh,
3. Parsan Bhaiya @ Parshan Kr. Singh @ Parsan Singh @ Prashnna Kumar Singh
@ Parsan Sharma, S/o Ragho Sharma, All R/o Vill.- Braitha, P.S.- Chiraiya,
District- East Champaran. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Madhav Jha, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 15.05.2018 in A.B.A. No.1040 of 2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge SC/ST Act, East Champaran, Motihari in connection with Chiraiya P.S.Case No. 111 of 2018 registered under Sections 341,323,420,406,504,506 of the Indian Penal Code and Sections 3(i)r of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the informant had advanced huge amount of money on the request to the appellants. Later on, the appellants refused to refund back and for that reason, occurrence of abuse and assault was committed.

Submission is that there is no proof of payment of such huge amount as alleged in the FIR. False implication is



there due to trivial dispute. Appellants have got no criminal antecedent.

Considering the aforesaid fact, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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