

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2891 of 2018

Arising Out of PS.Case No. -32 Year- 2017 Thana -SC/ST District- BANKA

- =====
1. Dilip Kumar Srivastava Son of Sri Sukhdeo Prasad Resident of Village/Mohalla - Gehumi Kothia, P.S. Darbhanga, District - Darbhanga.
 2. Ratan Lal Mandal Son of Late Mohan Mandal Resident of Village/ Mohalla - Purani Rata, P.S. Belhar, District - Banka.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Chandra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 31-08-2018

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 against the refusal of prayer for anticipatory bail vide order dated 11.06.2018 passed by the learned Additional Sessions Judge-I, Banka, in A.B.P. No.630 of 2018, arising out of SC/ST Police Station Case No.32 of 2017, registered under Sections 341/323/504/506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant joined as Panchayat Secretary. The appellant Dilip Kumar Srivastava, the former Panchayat Secretary



and appellant Ratan Mandal were pressurizing the informant for clearance of the pending ration card matter and for that reason allegation of commission of abuse and assault by taking caste name is there.

Submission of the learned counsel for the appellants is that after investigation the police submitted final form stating that the allegation is untrue. However, on the protest petition, the learned Court-below has taken cognizance against the appellants.

Submission is that two views are possible, one revealed during investigation and another surfaced on protest petition. Hence, for the purpose of consideration of the prayer for anticipatory bail the view favouring the appellants should be preferred.

Learned counsel for the informant opposed the prayer on the ground that FIR disclosed commission of offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The CCTV Camera was not seized and examined by the police and collusive final form was submitted.

Considering the aforesaid facts as well as the fact that the appellants have got no criminal antecedent, 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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