

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2501 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

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1. Umesh Mishra Son of Late Rameshwar Mishra, resident of Flat No. 303, Block - 'A' , Dashrath Binda Enclave, Mithanpura, P.S. - Mithanpura, District - Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Kaushlendra, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-08-2018

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 22.06.2018 passed by the learned 11th Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Muzaffarpur, in A.B.P. No.1545 of 2018, arising out of Muzaffarpur SC/ST Police Station Case No.12 of 2018, registered under Sections 341/323/504/506/379 of the Indian Penal Code and Sections 3(2)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant is owner of a Flat, which was developed by developer TDS Projects and Construction Private Limited, on the land of Harendra Tiwari. The builder and land owner in collusion with each other were making construction beyond permissible limit which was complained by the appellant to the competent authorities



vide Annexure-2 series.

Submission is that the informant is employer of Rajesh Tiwari running Hotel Sai Village Guest House in the same premises and he has falsely been implicated just to pressurize in complaint case filed before the Municipal Commissioner, Muzaffarpur.

Considering the background of allegation and entire materials available on the record as well as the fact that the appellant has got no criminal antecedent, 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 bonds of Rs.20,000/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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