

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3235 of 2018

Arising Out of PS.Case No. -166 Year- 2018 Thana -RAJPUR District- BUXAR

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1. Chandrashekhar Prasad S/o Late Lalmukhan Prasad, R/o Hethuan, P.S.- Rajpur,
Distt.- Buxar.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Dr. Kamal Deo Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-10-2018

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 07.08.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge (S.C./S.T. Act), Buxar, in A.B.P. No. 835 of 2018, arising out of Rajpur Police Station Case No. 166 of 2018, registered under Sections 506/504 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The offences of the Indian Penal Code alleged against the appellant are bailable. The appellant is husband of the Block Pramukh. Allegation of abuse to the informant is on mobile call. The appellant has no such criminal antecedent of commission of offence under the provisions of Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

Learned counsel for the informant vehemently opposed the prayer for bail on the ground that the FIR prima facie discloses commission of offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, hence, prayer for anticipatory bail is statutorily barred.

Considering the nature of allegation disclosed in the FIR and the fact that the FIR further discloses the occurrence due to political reasons, 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
CAV DATE	NA
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