

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3322 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -SC/ST District- SITAMARHI

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1. Ehsan Danish S/o Late Abdul Ajij Resident of Village - Pupari Gaon
Ward No. - 03, P.S. - Pupari, District - Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ratanakar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 04-01-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Sitamarhi, in connection with Sitamarhi (SC/ST) Police Station Case No.36 of 2016 registered under Sections 323/504/506 of the Indian Penal Code and Section 3(i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

One Janarsi Devi had filed Pupri P.S. Case No.32 of 2016 on 26.03.2016 under Sections 341/323/406/506/34 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act against



the informant of this case and others. In that case appellant was a witness as per protest petition enclosed at Annexure-4. The appellant is by profession Journalist, which would be evident from the supplementary affidavit filed in this case and submission is that since the appellant was ventilating the cause of Janarsi Devi, just to harass the present F.I.R. has been lodged with allegation that the appellant abused to the informant by taking caste name and assaulted him.

Submission is that this is out and out a case of malicious prosecution and abuse of the provisions of law which should not be encouraged by the court of law. The F.I.R. does not reveal that any reason for delayed lodging of the same on 01.05.2016 for the alleged occurrence committed on 27.03.2016.

After hearing the parties and considering the entire facts aforesaid, 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 appeal stands allowed.

(Birendra Kumar, J)

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