

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1139 of 2018

Arising Out of PS.Case No. -34 Year- 2018 Thana -RUPASPUR District- PATNA

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1. Devendra Singh @ Devendra Kumar Singh, S/o Late Laxman Kishor Singh.
 2. Manish Singh @ Manish Kumar, S/o Devendra Singh @ Devendra Kumar Singh, both are resident of Muhalla- Abhimanu Nagar Bank Colony, P.S.- Rupaspur, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suresh Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 10-05-2018

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 Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in Rupaspur Police Station Case No.34 of 2018 registered under Sections 341/323/379/324/504/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant had gone to pay due money to the house of appellant Devendra Singh. Another appellant Manish Singh is son of Devendra Singh and allegation is that Manish Singh started abusing taking caste name of the informant for the reason that Manish was



asking for the entire due money. In the aforesaid background allegation is of commission of abuse, assault and theft even of gold chain.

Submission is that concocted allegation has been leveled just to grab the money of the appellants. The person having no money to repay was having a gold chain is highly improbable.

Finding substance in the submission aforesaid, 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	
CAV DATE	NA
Uploading Date	
Transmission Date	

