

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No. 367 of 2018

Arising Out of PS.Case No. -4 Year- 2017 Thana -SALKHUA District- SAHARSA

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1. Kare Singh @ Karo Singh @ Manjan Chaudhary, Son of Ramashray Singh @
Ramashray Choudhary, Resident of Village- Rahimpur (Chaar Khutti) P.S.-
Muffasil, District - Khagaria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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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 (hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for anticipatory bail by the learned 1st Additional
Sessions Judge-cum-Special Judge, Saharsa in Salkhua P.S. Case
No. 04 of 2017 registered under Sections 147, 148, 149, 341, 323,
325, 354, 452, 457, 379, 380, 427, 435, 436, 504 of the Indian
Penal Code as well as Sections 3(i)(g), 3(i)(r), 3(i)(w), 3(2)(va) of
the SC/ST Act.

According to FIR, the appellant and other named
accused persons variously armed, came and abused the informant
by taking his caste name, committed mischief by damaging the



hut of the informant. Further committed assault and arson.

Learned counsel for the appellant submits that the plots referred in the FIR were purchased by the ancestors of the appellant through registered sale deed dated 04.08.1959 vide Annexure-1 to the supplementary affidavit and the informant has produced no document to support his claim over that land and just to pressurize, false and concocted allegation is there.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the bona fide claim on the referred land of the appellant for the purpose of consideration of this appeal for anticipatory bail, the FIR appears to suffer from mala fide, hence, 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 bond of Rs.20,000/- (rupees 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 and 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	14.05.2018
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