

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3344 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- SC/ST District- Nawada

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Arun Singh son of Bajrangi Singh, resident of Mohalla- Sudama Nagar, P.S.
and District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Devendra Prasad Singh
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

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 vide order dated 25.07.2018 in A.B.P. No. 1186 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with SC/ST Case No. 79 of 2018 arising out of Nawada SC/ST P.S. Case No. 17 of 2018 registered under Sections 341, 323, 504, 506, 447, 354A, 379 of the Indian Penal Code as well as Sections 3(1)(r) (w)(i) of the SC/ST Act.

For dispute relating to encroachment of *Rasta*, the appellant and others allegedly committed abuse and assault



against the informant at the point of pistol as well as committed theft. For that reason there is allegation against the appellant of demand of ransom.

Submission is that the appellant is holder of power of attorney from Ravindra Mistri and others and the appellant had gone to put boundary wall on the land of Ravindra Mistry as the appellant was authorized to sale them by the said power of attorney. The same caused inconvenience to the informant in lodging of the present false case.

In the background of allegation, chances of *mala fide* prosecution can not be ruled out, 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 anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees 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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
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