

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4119 of 2018

Arising Out of PS. Case No.-417 Year-2017 Thana- MUNGER COMPLAINT CASE
District- Munger

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Anjani Kumar, Son of Sri Anil Kumar Singh, Resident of Village-Bhalar, P.S.-
Dharahra, District-Munger.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sakhichand Paswan, Son of Late Peru Paswan, Resident of Vill:
Maniyarchak, P.S. Muffasil, Dist.-Munger.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amitabh Sohan, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 against the refusal of prayer for anticipatory bail vide order dated 17.09.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Munger, in A.B.P. No.1173 of 2018, arising out of Complaint Case No.417C of 2017, registered under Sections 323/504 of the Indian Penal Code and Sections 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Complaint based allegation would reveal that when



the complainant demanded his wages, the appellant, allegedly, abused and assaulted by taking caste name and committed theft of Rs.200/-.

Submission of the learned counsel for the appellant is that the complainant has been set up by the Samadhi of co-accused Anil Kumar Singh, with whom dispute is already going on. The appellant has got no criminal antecedent.

Learned counsel for the informant opposed the prayer for bail on the ground that the FIR prima facie discloses the commission of offence under the SC/ST Act.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the background of allegation which has come during investigation that the complainant was set up by the sandhi of the co-accused Anil Kumar Singh, 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
Uploading Date	21.12.2018
Transmission Date	21.12.2018

