

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4203 of 2018

Arising Out of PS. Case No.-118 Year-2018 Thana- NASRIGANJ District- Rohtas

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1. Daroga Khan Son of Furkan Khan @ Furkan Ahmad
 2. Amir Khan Son of Furkan Khan @ Furkan Ahmad
 3. Saif Ali Khan Son of Furkhan Khan @ Furkan Ahmad, All Resident of Village- Mauna, P.S. Nasriganj, Distt.-Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lakshmi Kant Sharma

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-12-2018

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 27.09.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in Registered Case No.166 of 2018, arising out of Nasriganj Police Station Case No.118 of 2018 registered under Sections 147, 148, 149, 323, 341, 326, 504, 506, 354, 436, 427 of the Indian Penal Code and Sections 3 (I)(r)(s)/3(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



It appears that for the same occurrence of assault which took place between the two communities on 27.05.2018 in Village- Mauna, the Sub-Inspector of Police had lodged Nasriganj Police Station Case No.117 of 2018 at *Annexure 2*. In that case, son of the present informant is also shown as one of the accused. For the occurrence of same day, the present F.I.R. was lodged by the informant alleging therein that when she had gone towards *Idgah*, the appellants and others caught her and started dragging by saying that she is a woman of scheduled castes and she cannot move there. Further allegation is of commission of arson in the huts of the informant and others.

Submission is that just to pressurize, false case has been lodged. The impugned order would itself reveal that the Police had not found any sign of arson. The appellants have got no criminal antecedent under the provisions of S.C.&S.T. (POA) Act.

In the background of allegation, chances of mala fide prosecution cannot be ruled out for the purpose of consideration of prayer for anticipatory bail. Hence, 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/- (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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