

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2028 of 2018

Arising Out of PS. Case No.-47 Year-2018 Thana- PAHARPUR District- East Champaran

Sanjay Kumar Singh @ Sanjay Singh, S/o Hanumant Singh, Resident of
Village- Bathuahan, P.S.- Paharpur, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-07-2018

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) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 11.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari, in A.B.P. No.937 of 2018, arising out of Paharpur Police Station Case No.47 of 2018 registered under Sections 341, 323, 504, 506, 354 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellant claims to be a Journalist. He had made complaint before the Authorities that the informant, who is a



Supervisor of Child Development Project remains absent from duty and forged signature has been put on her behalf on the attendance register. The result of the aforesaid complaint was asked for from the Appellate Authority under the R.T.I. Act and the Appellate Authority by order dated 28.10.2018 ordered for supply of information.

Submission is that due to that grudge the present F.I.R. has been lodged with allegation that the appellant intercepted the informant on the way and used un-parliamentary language.

Learned counsel for the appellant opposed the prayer for anticipatory bail on the ground that prima facie offence of SC/ST Act is disclosed in the F.I.R. Hence his prayer for anticipatory bail is not maintainable.

Considering the background of the allegation, which is not explained in the present F.I.R. dated 20.02.2018, 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 conditions as laid down under Section



438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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 this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

