

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1476 of 2018

Arising Out of PS.Case No. -196 Year- 2016 Thana -DULHIN BAZAR District- PATNA

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1. Sunil Kumar @ Sunil Kumar Singh son of Late Chandeshwar Sharma resident of Village - Sadaveh, P.S. Dulhin Bazar, District - Patna - 801102.

.... 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: 10-07-2018

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) Act, 1989 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail by order dated 23.01.2018 in A.B.P. No. 384 of 2018 passed the learned Special Judge (S.C./S.T.) Act-cum-5th Additional Sessions Judge, Patna in Dulhin Bazar P.S. Case No. 196 of 2016 (Spl. Case No. 560 of 2017) registered under Sections 341, 323, 385, 504/34 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

Wife of this appellant is local Mukhiya. She had filed a complaint against the informant of this case, along with written complaint of the consumers, before the Sub-Divisional Officer, Paliganj complaining that the wife of the informant who is a PDS Dealer is not supplying the articles to the consumers. Thereafter the present FIR has been lodged with allegation that husband of the Mukhiya who is appellant of this case



demanded ransom from the informant.

Submission is that the FIR suffers from malicious prosecution, for just to save the skin from the complaint of irregularity aforesaid.

Learned Special Public Prosecutor has opposed the prayer for bail.

Finding substance in the submission aforesaid, 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.
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