

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1873 of 2018

Arising Out of PS.Case No. -254 Year- 2018 Thana -NAWADA District- NAWADA

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1. Muneshwar Prasad Sinha S/o Ram Prasad Mahto, Working as Secretary of Janhitvikaassamiti having its office at linepar, Mirzapur, P.S. & P.O.- Nagar , District- Nawada-805110.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Saket Anand, Advocate

For the Respondent/s : Mr. Sadanand Paswan, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-08-2018

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 15.05.2018 in A.B.P. No. 620 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with Nawada Nagar P.S. Case No. 254 of 2018 registered under Sections 341, 323, 307, 353, 379, 354A, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

The informant and others demanded stock register from the appellant who is Secretary of Janhit Vikash Samiti and on refusal to produce, allegation is that the appellant allegedly abused and assaulted to the informant.

The case diary does not reveal that informant had any authority or the Child Protection Officer had any authority to inspect the records of the office of the appellant, therefore, it cannot be said that the informant and



others were bona fidely acting/behaving. Appellant has got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the aforesaid facts, 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/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 within the territorial jurisdiction of the learned court below.

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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