

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2250 of 2018

Arising Out of PS.Case No. -1435 Year- 2016 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

- =====
1. Bhushan Singh, Son of Late Kinkar Singh, resident of village - Bahardarpur,
Ward No. 6, P.S. Muffasil (Lakho O.P.), District - Begusarai.

.... Appellant/s

Versus

1. The State of Bihar.
2. Nirmala Devi, wife of Rajendra Ram, resident of village - Bahardarpur, P.S.
Muffasil (Lakho O.P.), District Begusarai.

.... 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: 30-08-2018

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 by order dated 29.05.2018 in A.B.A. No. 1022 of 2018 passed by the learned Special Judge SC/ST (POA) Act, Begusarai in connection with Complaint Case No. 1435C of 2016 registered under Sections 147, 148, 323, 379, 307 and 354 of the Indian Penal Code and Sections 3(i)(x) of the SC/ST Act.

Allegation in the complaint petition is that the appellant abused and assaulted to the complainant suspecting that she is a witch and had played witchcraft.

Submission of the learned counsel for the appellant is



that husband of the complainant was examined as enquiry witness along with another witness and a copy of the deposition of those witnesses has been called for from the learned court below which would reveal that husband of the complainant in reply to the court's question stated that there is land dispute between the parties, for that reason this case was lodged and there is no other reason. Learned counsel for the appellants further submits that co-accused Yogendera Singh has been allowed anticipatory bail by a Coordinate Bench of this Court vide order dated 23.05.2018 passed in Cr. Appeal (SJ) No. 1617 of 2018.

Considering the entire facts 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/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.
Uploading Date	31.08.2018
Transmission Date	31.08.2018

