

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3417 of 2018**

Arising Out of PS. Case No.-79 Year-2018 Thana- RASULPUR District- Saran

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1. Kamlesh Kumar Prasad @ Kamlesh Kumar, S/o Tapeswar Prasad,
  2. Ram Babu Prasad @ Ram Babu Kr. Pd. S/o Tapeswar Prasad,
  3. Suresh Kumar Prasad @ Suresh Kumar @ Suresh Prasad, S/o Tapeswar Prasad,
  4. Tapeswar Prasad S/o Late Ram Prit Mahto, All R/o vill.- Rampur, P.S.- Rasulpur, District- Chapra, Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Maheshwar Prasad, Adv

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 20-11-2018**

Appellant No.4-Tapeswar Prasad has already been surrendered. Hence, his prayer for anticipatory bail is infructuous.

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 02.08.2018 in A.B.P. No.2234 of 2018 arising out of Rasulpur P.S.Case No.79 of 2018 passed by the learned Additional Sessions Judge-1st, Chapra at Saran registered under Sections



341,323,379,420,34 of the Indian Penal Code and Sections 3(i)r (v)/3(2),v(a) of the Scheduled Castes and Scheduled Tribes Act.

Appellant-Kamlesh Kumar Prasad @ Kamlesh Kuamr had lodged Rasulpur P.S. Case No.68 of 2018 on 03.06.2018 for the occurrence dated 11.05.2018 against the informant of this case and others. In the aforesaid background, the present FIR was lodged on 17.06.2018 for the occurrence of the same date.

Submission is that just to save the skin and put undue pressure, the present FIR has been lodged with malafide intention to harass the appellants.

Considering the background of allegation and nature of allegation, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and further the appellants 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 appellants.

Accordingly, this appeal is partly allowed and partly dismissed.

**(Birendra Kumar, J)**

Nitesh/-

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