

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3807 of 2018

Arising Out of PS. Case No.-119 Year-2018 Thana- BIHPUR District- Bhagalpur

Rakesh Raushan @ Raushan Yadav @ Rakesh Kr. Roshan, Son of Narendra Kumar, Resident of Village- Naraynpur, P.S.- Bihpur (Bhawanipur), District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amrendra Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-12-2018

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 against the refusal of prayer for anticipatory bail vide order dated 19.06.2018 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Bhagalpur, in A.B.P. No.683 of 2018, arising out of Bihpur (Bhawanipur) Police Station Case No.119 of 2018, registered under Sections 341/323/379/363/365/504/506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Allegation is that on 19.03.2018 the appellant threatened the informant to not to contest the election of students union of J.P. College, Narayanpur; rather abused by taking caste name as to how the informant dared to contest the election.

Submission is that completely a concocted allegation is there as the appellant was never a student or teacher of the said college; rather he was studying at Sikohabad in the State of Uttar Pradesh, which would be evident from Annexure-2. Subsequently, the appellant was appointed as visiting teacher in a School at Raniganj.

Considering the fact that there is no substantial material against the appellant and the fact that the appellant has got no criminal antecedent, 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 bonds of Rs.20,000/- (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.

Accordingly, the impugned order is set aside and appeal stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2018
Transmission Date	17.12.2018

