

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.492 of 2018

Arising Out of PS.Case No. -428 Year- 2017 Thana -BIHTA District- PATNA

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Monu Kumar Mishra @ Monu Mishra, son of Sri Sanjay Kumar Mishra, Resident
of Village-Sahabajpur, P.S.- Bihta, District- Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pravin Kumar Sinha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-06-2018

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 by the learned
Additional Sessions Judge 2nd –cum- Special Judge (S.C./S.T. Act),
Patna, in connection with Bihta Police Station Case No.428 of 2017
registered under Sections 341/323/353/504/506/34 of the Indian Penal
Code and Sections 3(i) (r) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, 1989.

The petitioner is a Press Reporter. Allegation is that the
petitioner and others abused to the informant, who is a Junior
Engineer, by taking his caste name for the reason that the informant
was insisting for not removing of the electric pole in unauthorized
manner.

Submission of the learned counsel for the appellant is that



the present case suffers from mala fide for the reason that one Shanti Devi had lodged a case against the informant with Bihata P.S., a copy at Annexure-4, alleging therein that the informant was demanding Rs.10000/- as bribe and the petitioner was taking picture shot which infuriated the informant.

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 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
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