

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3407 of 2018

Arising Out of PS. Case No.-46 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Vivek Kumar, S/o Sri Shyam Narayan Sah, R/o Vill.- Farkia, P.S.- Vansi, District- Araria at present Posted as Junior Electrical Engineer, At Electric Supply Dandari , District- Begusarai.
 2. Piyush Kumar Roy, S/o Saroj Kumar Ray, R/o Vill.- Kharahae, P.S.- Nokha, Distt.- Rohtas, at Sasaram at present posted as Junior Electrical Engineer at Electric Supply Station Ballia, District- Begusarai.

... .. Appellant/s

Versus

State Of Bihar & Anr

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Randhir Kumar No-1, Adv
For the Respondent/s	:	Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-12-2018

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 17.07.2018 in A.B.P. No.1343 of 2018 arising out of Complaint Case No.46 of 2017 passed by the learned Special Judge SC/ST Act, Begusarai registered under Sections 341, 323, 504, 379, 354/34 of the Indian Penal Code and Sections 3/4 and 10 of the Scheduled Castes and Scheduled Tribes Act.

The appellants are junior engineers working in



the electricity company posted at Begusarai. Appellant-Vivek Kumar had lodged Balia P.S. Case No.63 of 2017 against the complainant of this case for offences relating to commission of electric theft. The FIR was lodged on 01.04.2017. Thereafter, the present complaint petition was filed on 26.04.2017 with allegation that on the way, the appellants intercepted the informant and committed assault and theft after abusing by caste name.

In the background of allegation, chances of malafide prosecution cannot be ruled out for the purpose of consideration of this prayer for anticipatory bail, hence, 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, the impugned order is set aside



and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.12.2018
Transmission Date	06.12.2018

