

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3493 of 2018

Arising Out of PS. Case No.-56 Year-2016 Thana- PIPRA District- East Champaran

Binod Prasad, S/o Ram Avatar Prasad, R/o Khairimal, Malahi Tola, P.S.-
Pipra, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in A.B.P. No.1669 of 2018, arising out of Pipara Police Station Case No.56 of 2016 registered under Sections 447, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code and Sections 3 (i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Submission is that murder of *Hari Sahani* was committed by the prosecution side and for that occurrence, Pipra



Police Station Case No.55 of 2016 was lodged against the husband of the informant and others. Thereafter, just to save the skin, the present false case has been lodged with general and omnibus allegation of commission of abuse, assault and theft.

Considering the background of allegation, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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 this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.12.2018
Transmission Date	07.12.2018

