

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3226 of 2018

Arising Out of PS.Case No. -12 Year- 2016 Thana -SC/ST District- KISANGANJ

=====

1. Shankar Kumar Anand S/o Late Uchit Prasad Singh, R/o Vill.- Nayan Bhittha,
P.S.- Dighal Bank, District- Kishanganj. Appellant/s

Versus

1. The State of Bihar ... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Onkar Nath, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

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 03.08.2018 in Special (SC/ST) Case No.23 of 2016 passed by the learned Special Judge, SC/ST, Kishanganj in connection with SC/ST P.S.Case No. 12 of 2016 registered under Sections 341,323,504,34 of the Indian Penal Code as well as under Sections 3(1)(r)(s)(u) of the Scheduled Castes and Scheduled Tribes Act.

Submission is that the informant had gone to cast vote on behalf of others in the Panchayat of the appellant when brother of the appellant was a candidate on the post of Mukhiya. The aforesaid fact would be evident from the FIR also.

Allegation is that when the appellant asked the informant and others not to vote, the appellant allegedly abused and assaulted.



Submission is that false allegation is there, as the informant is not resident of the Panchayat of the appellant and he had gone to cast vote in favour of the rival candidates. Appellant has got no criminal antecedent.

Considering the background and nature 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2018
Transmission Date	10.09.2018

