

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3904 of 2018

Arising Out of PS. Case No.-105 Year-2017 Thana- DIGHA District- Patna

Vikash Kumar Son of Late Vinay Rai, resident of Gate No. 90, Makhdumpur,
Digha, Police Station - Digha, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surya Swetabh, Advocate

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

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 13.09.2018 in A.B.P. No. 6718 of 2018 passed by the learned 4th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Special Case No. 337 of 2017 arising out of Digha P.S. Case No. 105 of 2017 registered under Sections 341, 323, 504, 506, 354 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

Submission is that the allegation against the appellant and others is of commission of abuse and assault to the informant by committing house trespass for the reason that



the appellant was pressurizing for withdrawal of earlier criminal case lodged for murder of the father of the informant vide Patna Traffic P.S. Case No. 74 of 2016.

Contention is that Annexure-2 is the FIR of the aforesaid Traffic Case which was registered against unknown motorcycle rider for offences under Sections 279 and 304A of the Indian Penal Code. The appellant was not an accused of that case. Hence, there was no reason or motive for the appellant to go to the house of the informant. Moreover, the appellant has got no criminal antecedent.

Considering the aforesaid facts, 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/- (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 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 as well



as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Ravi

AFR/NAFR	N.A.
CAV DATE	N.A.
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