

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.724 of 2018

Arising Out of PS.Case No. -506 Year- 2017 Thana -MARHAURA District- SARAN

=====

1. Teras Rai, Son of Late Manaki Rai,
2. Lalu Rai, Son of Teras Rai, Both Residents of Village- Agahara, Police Station-
Marhowrah (Gaura O.P.), District- Chapra at Saran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Basant Kumar Singh, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-07-2018

Heard learned counsel for the parties.

Appellant-Teras Rai has already been arrested.

Hence, prayer for anticipatory bail is infructuous
now.

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 30.01.2018 by the learned 1st Additional
Sessions Judge, Chapra at Saran in connection with Marhowrah
P.S.Case No. 506 of 2017 registered under Sections 323, 384,
504, 506, 379, 34 of the Indian Penal Code as well as under
Sections 3(S)(z) of the Scheduled Castes and Scheduled Tribes
Act.



Allegation is that the appellant-Lalu Rai demanded toddy from the informant and on refusal, committed abuse and assault by taking caste name.

Submission of the learned counsel for the appellant is that this case has been lodged with malafide intention to pressurize the appellant to withdraw Marhowrah P.S.Case No.209 of 2012 lodged by appellant's father against the informant of this case and others for offences under Sections 324,308 and 379 of the Indian Penal Code.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the background of allegation, chances of malafide prosecution cannot be completely ruled out for the purpose of consideration of this prayer for anticipatory bail, let the appellant-Lalu Rai, 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	10.07.2018
Transmission Date	10.07.2018

