

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1037 of 2018

Arising Out of PS.Case No. -495 Year- 2017 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

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1. Nirmala Sharma wife of Arun Kumar Sharma
2. Arun Kumar Sharma son of Late Indradeo Prasad Singh Both residents of
mohalla Indai, Professor Colony, P.S. & District Sheikhpura, at present mohalla
Chhoti Khanjarpur, Near D.I.G. Kothi, H/o Aasha Pandey,(as tenant) P.S. Barari,
District Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar.
2. Ramashray Dharhi, Son of Late Sahdeo Dharhi, Resident of Village-Murarpur,
P.S.- Korma, District-Sheikhpura.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. D.K.Singh, Adv
For the State : Mr.Binay Krishna, Adv
For the Informant : Mr. Dr. Anjani Prasad Singh, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-07-2018

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 15.03.2018 by the learned A.D.J-1, Sheikhpura,
in connection with Complaint Case No. 495 (C) of 2017/SC/ST
Case No.326 of 2017 registered under Sections 323 and 504 of
the Indian Penal Code as well as under Sections 3 (1)(a)of the
Scheduled Castes and Scheduled Tribes Act.

Though the complaint petition and statement of the
complainant shows that the appellants committed offence under



the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. However, submission is that the prosecution suffers from malafide, as the complainant has been set up by Mr. Vinod Kumar Singh, an advocate practicing at Sheikhpura, Civil Court, for the reason that the appellants have land dispute with Vinod Kumar Singh. Land of the appellants is situated behind the house of Vinod Kumar Singh. Further submits that Bipul Vats, son of said Vinod Kumar Singh is a witness in the present complaint case, besides witness-Vijay Ram, who is client of Vinod Kumar Singh.

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

Considering the material available on the record for the purpose of consideration of this prayer for anticipatory bail, the chances of malafide prosecution cannot be completely ruled out, 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 both bailors shall be resident of



territorial jurisdiction of the learned court below 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
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