

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1898 of 2018

Arising Out of PS. Case No.-75 Year-2017 Thana- SC/ST District- Sitamarhi

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1. Manoj Sah @ Manoj Prasad @ Manoj Sah, Son of Late Ram Ekbal Sah.
 2. Jainarain Thakur, Son of Late Rikhdep Thakur, Resident of Village- Sasaula, P.S.- Majorganj, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Jha
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 12.02.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Sitamarhi in A.B.P. No.258 of 2018/75 of 2018, arising out of Sitamarhi S.C./S.T. Police Station Case No.75 of 2017 registered under Sections 341, 323, 504, 384, 379/34 of the Indian Penal Code and Sections 3 (i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant is a P.D.S. dealer. Co-accused, *Rajiv Thakur* had made a complaint to the Block Supply Officer



regarding black-marketing of P.D.S. articles by the informant. On that complaint the Block Supply Officer lodged the written complaint to the Police on 09.09.2017 and the Police registered Majorganj P.S. Case No.391 of 2017. Thereafter, the present F.I.R. has been lodged with allegation that the F.I.R. named accused including the appellant abused and assaulted to the informant, who is a P.D.S. dealer and demanded ransom.

The backdrop of the allegation would reveal that chances of mala fide prosecution cannot be ruled out for the purpose of consideration of anticipatory bail. 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 bail* on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each 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 appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.



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

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

