

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2474 of 2018

Arising Out of PS.Case No. -43 Year- 2017 Thana -PATNA COMPLAINT CASE District- PATNA

- =====
1. Seema Kumari, Wife of Sunil Kumar Singh, Block Development Officer,
Resident of Safdal Apartment, Flat No. 203, Sawbhag Swami Path, Bailey
Road, Police Station- Rupaspur, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar
2. Binay Kumar, Son of Late Gomu Gas, Magadh Colony, Kurjimor, Police
Station- Digha, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-08-2018

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
against the refusal of prayer for anticipatory bail vide order dated
15.05.2018 passed by the learned Special Judge (S.C./S.T. Act)-cum-
Additional Sessions Judge-V, Patna, in Complaint Case No.43C of
2017, registered under Section 120B/34 of the Indian Penal Code and
Sections 3/4/6 of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989.

The appellant is a Block Development Officer and the
informant is a subordinate posted in the same office. The appellant
had issued show-cause in the past also to the informant of this case



calling for explanation for non-performance in the office.

Submission is that being aggrieved by that the present allegation has been leveled that the appellant abused by taking caste name.

Considering the background of allegation, the chances of mala fide prosecution cannot be ruled out for consideration of anticipatory bail, let the appellant, above named, who is a female, in the event of her 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/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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