

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2171 of 2018**

Arising Out of PS. Case No.-38 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE  
District- Samastipur

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Mahanth Jamun Das, Son of Late Ram Uchit Das, Resident of Village-  
Dadhiya Belar, P.S.- Samastipur (Muffasil), District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sundeshwari Devi, Wife of Chunchun Paswan, Resident of Village- Dadhiya Belar, P.S.- Samastipur (Muffasil), District- Samastipur.

... .. Respondent/s

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**Appearance :**

|                      |   |                          |
|----------------------|---|--------------------------|
| For the Appellant/s  | : | Mr. S.N.P Sinha, Sr.Adv  |
|                      | : | Miss. Rashmi Bharti, Adv |
| For the Respondent/s | : | Mr. Binay Krishna, SPP   |

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 03-12-2018**

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 11.05.2018 in A.B.P. No.824 of 2018 passed by the learned 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur in connection with Complaint Case No. 38 of 2018 Tr. No.744 of 2018 registered under Sections 323,341,377,504 of the Indian Penal Code as well as under Sections 3(1)(X),3(2)(V) of the Scheduled Castes and Scheduled Tribes Act and Section 4 of POCSO Act.

The appellant is Mahanth of a Kabir Math in



the district of Samastipur. The appellant had lodged Samastipur (Muffasil) P.S. Case No.144 of 2018 against the informant and others on 12.03.2018, alleging therein that on 10.03.2018, the informant of this case and others came to the Math and forcefully took away Rs.18,000/-.

Submission is that just to grab the Math's property and to pressurize, present false case was lodged on 24.03.2018 i.e. after 12 days of the FIR of the appellant, alleging therein that on 03.10.2017 and on 10.03.2018, the appellant had committed unnatural offence against son of the complainant. Further submission is that the delayed information and the background of allegation would show the malafide motive of the complainant in lodging the false case, such serious matter could not have been kept hidden for such a long period.

Considering the facts of this case as stated above, malicious prosecution of the appellant, who is aged about 88 years, cannot be ruled out, hence, 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 (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 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/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 04.12.2018 |
| Transmission Date | 04.12.2018 |

