

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2899 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- SC/ST District- Sitamarhi

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1. Lalan Das, son of Bhajan Das,
 2. Santosh Das, son of Lalan Das, Both resident of Village- Sarwarpur, P.S. Sonebarsa, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 05.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Sitamarhi in A.B.P. No.1138 of 2018/221 of 2018, arising out of Sitamarhi S.C./S.T. Police Station Case No.37 of 2018 registered under Sections 341, 323, 504, 506, 354/34 of the Indian Penal Code and Sections 3 (i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Submission of the learned counsel for the appellants is that the four wheeler of the informant of this case was seized by the Police as it was carrying liquor, which is prohibited in the State of Bihar. The informant suspected that appellants were the informers of the Police.

In the aforesaid background, allegation is that the wife of the informant had gone to the shop of the appellants to purchase potatoes. The appellants were not there. Thereafter, the informant made a call in a loud voice, then the appellants came out and started abusing her and for that reason the subsequent occurrence of assault took place.

Considering the background of allegation, chances of mala fide prosecution cannot be ruled out for the purpose of consideration of prayer for 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/-

AFR/NAFR	NAFR
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