

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1032 of 2018

Arising Out of PS. Case No.-13 Year-2017 Thana- SC/ST District- Jamui

Nand Kishore Mandal, son of Ram Prasad Mandal, resident of village Keriya,
Post Adsar, P.S. and District Jamui.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 03-05-2018 Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned 1st Additional District and Sessions Judge-cum- Special Judge, Jamui in Jamui SC/ST P.S. Case No. 13 of 2017 registered under Sections 341,323,504,506,34 of the Indian Pena Code as well as under Section 3 (1) (r),3 (2) (v)(a) of the SC/ST (Prevention of Atrocities) Act, 1989.

The earlier case i.e. Jamui P.S. Case No. 62 of 2017 was lodged by Nitish Kumar son of appellant alleging therein that informant of this case and others had assaulted him. Thereafter, the present FIR has been lodged with allegation that



appellant and others allegedly abused the informant by taking his caste name and committed assault.

Considering the background of allegation for the purpose of consideration of prayer for anticipatory bail, the present allegation apparently appears to be a case of malafide prosecution. 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 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)

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