

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2273 of 2018

Arising Out of PS.Case No. -37 Year- 2016 Thana -SC/ST BETTIAH District-
WESTCHAMPARAN(BETTIAH)

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1. Akhlesh Prasad @ Gabar Prasad @ Akhileshwar Kumar S/o Late Kailsah Prasad,
R/o Vill.- Dumri, P.S.- Yogapatti, District- West Champaran at Bettiah. -Appellant
Versus

1. The State of Bihar Respondent

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Appearance :

For the Appellant/s : Mr. Raghunandan Kumar Singh, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-09-2018

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 21.05.2018 in A.B.P. No.673 of 2018 passed by the learned Additional District & Sessions Judge-1st-cum-Special Judge, West Champaran at Bettiah in connection with SC/ST Sadar Bettiah P.S.Case No. 37 of 2016, Trial No.142 of 2017 registered under Sections 447,354,341,323,504/34 of the Indian Penal Code as well as under Sections 3(1)(x)(xi) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellant asked for Mobile No. of the informant and on refusal, he assaulted to the informant after abusing by taking her caste name.

Submission is that the case diary would reveal that sister of the informant is also married in the same village and



she has stated before the police that both sisters were quarrelling when the appellant came on a motorcycle and reconciled. However, false case has been lodged by her sister. Same is the statement of another witness in paragraph-11 of the case diary.

Considering the aforesaid facts, 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 both bailors shall be resident of territorial jurisdiction of the learned court below 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/-

AFR/NAFR	NAFR
CAV DATE	NA
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