

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1086 of 2018

Arising Out of PS. Case No.-139 Year-2016 Thana- TARIYANI CHOWK District- Sheohar

Gourav Kumar Singh @ Gaurav Singh, Son of Ramsubhag Singh, R/o
Village- Chhtouni, P.S.- Tariyani, District- Sheohar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Singh
For the State	:	Mr. Binay Krishna
For the Respondent	:	Mr. Vidhan Chandra Pathak Mr. Ashutosh Singh

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 15.03.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Sheohar in A.B.P. No.93 of 2018, arising out of Tariyani Police Station Case No.139 of 2016 registered under Sections 341, 323, 385, 504, 506/34 of the Indian Penal Code and Sections 3 (1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., when the informant was getting the contract work done on 21.10.2016, the appellant and others



came and demanded ransom and on non-payment committed abuse and assault. The wife of the informant is an *Ex-Parshad* of the District Board and one *Randhir Singh* who was business partner of the informant was also assaulted and threatened to be killed.

The statement of *Randhir Singh* recorded by the Police would reveal that he has not named this appellant as present at the time of occurrence, rather stated that other three named persons were present and the occurrence had in fact taken place on 21.10.2016.

Learned counsel for the appellant submits that appellant is a *local Mukhiya* and just for political rivalry, false case has been lodged. Some other criminal cases were also lodged against the appellant at the instance of the same informant, who is a witness in those cases.

Considering the entire facts of this case above and conflicting statements of the two eyewitnesses i.e. the informant and *Randhir Singh*, 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 bond of Rs.20,000/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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)

abhishek/-

AFR/NAFR	NAFR
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