

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2657 of 2018

Arising Out of PS.Case No. -640 Year- 2017 Thana -PATRAKARNAGAR District- PATNA

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1. Rajnish @ Sonu Thakur @ Rajnish Kumar, S/o Rajendra Thakur, R/o Vill.- Gandhar, P.S.- Ghosi, District- Jehanabad, presently residing at Indira Nagar, P.S.- Patrakarnagar, Patna.
 2. Kabinder Thakur S/o Ramji Thakur, Resident at Indira Nagar, P.S.- Patrakarnagar, Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raja Ram Mishra, Advocate
For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-09-2018

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 against the refusal of prayer for anticipatory bail vide order dated 27.06.2018 passed by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in A.B.P. No.4471 of 2018, arising out of Patrakar Nagar Police Station Case No.640 of 2017, registered under Sections 385/504/506 of the Indian Penal Code and Sections 3(s)(g)/3(Chh)(gh) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant No.1 Rajnish @ Sonu Thakur @ Rajnish Kumar was tenant in the shop of the informant. When the informant asked to vacate, the appellants allegedly demanded ransom.



Submission is that just to ensure forceful and illegal ejectment, concocted allegation has been leveled against the appellants.

Considering the nature of relationship of landlord and tenant between the parties, chances of malicious prosecution cannot be ruled out for the purpose of consideration of anticipatory bail, 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/- (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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants 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 appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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