

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.939 of 2018

Arising Out of PS.Case No. -2 Year- 2017 Thana -SARAI District- VAISHALI(HAJIPUR)

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1. Amarnath Kumar S/o Pradeep Singh resident of Village - Bazitpur, P.S. - Sadar Hajipur, District - Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-05-2018

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, against refusal of the prayer for anticipatory bail by the learned 1st Additional District & Sessions Judge- cum- Special Judge, Vaishali at Hajipur in connection with Sarai P.S. Case No. 2/2017 registered under Sections 147, 148, 149, 341, 324, 307, 452, 380, 436 and 504 of the Indian Penal Code as well as Section 3(i)(r)(s) of the SC/ST Act.

For a land dispute, other cases are going on between the parties which would be evident from the FIR itself. In the aforesaid background, allegation is of commission of assault by the named accused persons.



Submission is that the background of allegation would make it clear that the appellant had no intention to humiliate a member of the Scheduled Castes and Scheduled Tribes. Moreover, just to pressurize in the land dispute, false case has been lodged.

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 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 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 and 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 the appeal stands allowed.

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
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