

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3841 of 2018

Arising Out of PS. Case No.-105 Year-2017 Thana- DIGHA District- Patna

Nitish Kumar, Son of Late Girija Mahto, Resident of Village- Mahamadpur,
P.S.-Naubatpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Prasad Singh
For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 13-12-2018

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 07.09.2018 passed by the learned Additional Sessions Judge-IV-cum-Special Judge SC/ST Act, Patna in A.B.P. No.6517 of 2018, arising out of Digha Police Station Case No.105 of 2017 registered under Sections 341, 323, 504, 506, 354 of the Indian Penal Code and Sections 3 (i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Submission is that the allegation against the appellant and others is of commission of abuse and assault to the informant by committing house trespass for the reason that the appellant



was pressurizing for withdrawal of earlier criminal case lodged for murder of the father of the informant, vide Patna Traffic Police Station Case No.74 of 2016.

Contention is that the F.I.R. of the aforesaid Traffic Case was registered against unknown motorcycle rider for offences under Sections 279 and 304A of the Indian Penal Code. The appellant was not an accused of that case. Hence, there was no reason or motive for the appellant to go to the house of the informant. Moreover, the appellant has got no criminal antecedent.

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 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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