

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.322 of 2019**

Arising Out of PS. Case No.-2 Year-2016 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Samadeya Kuwar @ Samadiya Kuer wife of Late Bharat Prasad Bind
 2. Bijendra Kumar @ Bijenara Singh (Bind) @ Bijendra Kumar Bind, son of Late Bharat Prasad Bind
 3. Krishna Bind @ Krishna Prasad Bind son of Late Bharat Prasad Bind
All residents of Village - Telipokhar (Sonhar), P.S. - Shiv Sagar, District-
Rohtas.
 4. Upendra Prasad son of Ganga Bind, Resident of village- Samhuta, P.S.-Shiv
Sagar, District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar and anr Bihar
2. Surendra Paswan, son of Hridayanand Paswan, Resident of village -
Gadura P.S. - Shivsagar, District-Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar Jha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 11-04-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 26.10.2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Court, SC/ST Act, Rohtas at Sasaram in connection with Registered Case No. 540 of 2017 arising out of Complaint Ase No. 2 of 2016 registered under Sections 323, 341 and 427 of the Indian penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



1989.

Allegation, as per FIR, is that appellant no. 2, being the Secretary of Fishermen Co-operative Society, has taken Rs. 50,000/- from the informant for settlement of pond, however, later on, he settled the aforesaid pond in the name of appellant no. 4, who is brother-in-law of appellant no. 2 and when informant and others went to enquire about the same, they were assaulted and abused by caste name.

Submission of learned counsel for the appellants is that whole allegation is false and concocted and in spite of that, appellant no. 2 is still ready to return the amount, which will be subject to result of the case, if some reasonable time is granted to him.

Heard learned Spl. P.P and learned counsel appearing on behalf of the complainant, who have opposed the prayer for anticipatory bail. However, they are also agreeable to the proposal of the learned counsel for the appellants for returning of Rs 50,000/-.

Having heard both sides and in view of the facts and circumstances, as stated above, this appeal is disposed of with a direction to the appellants to surrender within a period of six weeks from the date of receipt of a copy of this order and at the



time of surrendering, appellant no. 2 will deposit a bank draft of Rs. 25,000/- in court in favour of the informant and on that, the Special Court shall release the appellants on provisional bail to its own satisfaction for a period of two months with condition that he has to deposit rest amount of Rs 25,000/- by way of bank draft in favour of the informant within that period. Once, whole amount is paid, provisional bail granted to the appellants will be confirmed.

It is needless to say that aforesaid payment will be subject to the result of this case.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

