

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.440 of 2019

Arising Out of PS. Case No.-20 Year-2017 Thana- SC/ST District- Nawada

Kundan Prasad @ Kundan Kumar, Son of Damodar Mahto, Resident of
Village-Godapar, P.s.- Warisaliganj, District- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 07-02-2019

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 10.01.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, Nawada in ABP No. 42 of 2019/03 of 2019 arising out of SC/ST(Nawada) P.S.Case No. 20 of 2017 registered under Sections 323, 504 and 506 of the Indian penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that he abused the informant by taking caste name and also misbehave with her along with others.

Submission of learned counsel for the appellant is that except Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, other sections of penal code are



bailable in nature and so far allegation of under section of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act nothing has been attributed against him and dispute arose with regard to demand of wages.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, Nawada in ABP No. 42 of 2019/03 of 2019 arising out of SC/ST(Nawada) P.S.Case No. 20 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to him.

(Vinod Kumar Sinha, J)

sujit/-

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CAV DATE	
Uploading Date	
Transmission Date	

