

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1160 of 2019

Arising Out of PS. Case No.-21 Year-2018 Thana- COMPLAINT CASE District- Kishanganj

HARUN RASHID Son of Late Farid Bax, Resident of Village-Dhangara,
Police Station-Kodhobari, District-Kishanganj.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Munni Kisku W/o Ramesh Hasda Resident of Village-Dhangarha, Adiwasi Tola, P.S-Kodhobari, District-Kishanganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 25-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 17.01.2019 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, Kishanganj in connection with Complaint (SC/ST) Case No. 21 C of 2018 (Spl. (SC/ST) Case No. 37 of 2018), registered under Sections 342, 354-B, 509 of the Indian Penal Code and also under Section 3 (I) (e) (r) (s) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

Appellant is said to have called the informant at the Panchayat Bhawan to accord her wages and when informant arrived there the appellant misbehaved with her and tore her Blouze.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Earlier appellant had lodged a case regarding aforesaid occurrence and after investigation of the case I.O. has submitted final form finding that the place of offence is a busy area and none in the vicinity of the P.O. has supported the occurrence. Appellant has filed the protest petition much later submitting the aforesaid final form by the police. Aforesaid case has been lodged by the informant at the instigation of the Mukhiya, namely, Maksab Alam against whom Special Case No. 12 of 2018 was lodged and appellant happens to be the witness of the said case. Appellant has no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 1st-cum-Spl. Judge SC/ST Act, Kishanganj, in connection with Complaint (SC/ST) Case No. 21 C of 2018 (Spl. (SC/ST) Case No. 37 of 2018), subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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