

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1112 of 2019

Arising Out of PS. Case No.-136 Year-2017 Thana- KADAMKUAN District- Patna

1. SUNIL KUMAR Son of Late Harishankar Prasad, Resident of village and P.S.- Bishunpur Patti, Police Station- Sahebganj, District-Muzaffarpur. At present residing at in the campus of Head Office, Patna Zila Khadi Gramodhyog Sangh, Muradpur, Police Station- Pirbahore, District- Patna, Bihar Pin-800004
2. Lalan Prasad, Son of Late Lakshmi Mahto, Resident of village- Jalalpur, Police Station- Kashichak, District- Nawada. At present residing at in the campus of Head Office, Patna Zila Kadam Kuan Khadi Gramodhyog Sangh, Congress Maidan Kadam Kuan, Police Station- Kadamkuan, District- Patna, Bihar Pin-800003
3. Lalan Kumar Mishra, Son of Late Nirekhan Mishra, Resident of village- Kanta, Police Station- Kanta, District-Muzaffarpur. At present residing at in the campus of Head Office, Patna Zila Khadi Gramodhyog Sangh, Muradpur, Police Station- Pirbahore, District- Patna, Bihar Pin-800004
4. Umakant Thakur, Son of Late Anant Thakur, Resident of Village- Gandhi Nagar Simri, Police Station- Simri, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinay Kumar Mishra
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 24-06-2019 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 04.02.2019 passed by learned Special Judge (SC/ST Act), Patna in Special Case No. 257 of 2017 (SC/ST Act) arising out of Kadamkuan P.S. Case No. 136 of 2017 registered under



Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Section 3(1)(5) of the SC/ST Act.

Over grudge of appointment of the informant on the post of President of Patna Zila Khadi Gramodhyog Sangh, at the instigation of the appellant Sunil Kumar, other accused persons named in the F.I.R. are said to have slated the informant in the name of his caste, assaulted him and misbehaved with him and took out Rs. 3000/- from his pocket.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellants is not specific rather general and omnibus in nature. After investigation of the case, police has filed final form against the appellants. Thereafter cognizance of the offence has been taken against the appellants on the basis of the protest petition. Similarly situated co-accused namely Arjun Prasad and Umesh Nandan Tiwary have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide Cr. Appeal (SJ) No. 1088 of 2019.

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

Having regard to the facts and circumstances of the



case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Patna in Special Case No. 257 of 2017 (SC/ST Act) arising out of Kadamkuan P.S. Case No. 136 of 2017, subject to the 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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