

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1154 of 2019**

Arising Out of PS. Case No.-5 Year-2019 Thana- SC/ST District- Katihar

Samsul Haque, Son of Md. Islam Resident of Village - Bandh Tola Bishanpur,
P.S.- Korha, Distt.- Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

Date : 01-04-2019

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 25.02.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, Katihar in ABP No. 21 of 2019 arising out of SC/ST P.S.Case No. 05 of 2019 registered under Sections 323, 406, 420, 504 and 506 of the Indian penal Code and Sections 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR is that one Dinesh @ Babloo @ Upendra Singh and appellant have cheated the informant on the plea of selling a plot of land which is of the mother of Upendra Singh and taken Rs. 8,15,000/-. Thereafter he did not execute the sale deed and when he inquired the same, he was assaulted and abused by the appellant and other accused persons.



Submission of learned counsel for the appellants is that for the same occurrence, Annexure-2, which is a complaint petition, has also been filed by the informant in which appellant has been made as a witness and further whatever allegation is there i.e., against one Upendra Singh @ Dinesh @ Babloo who has taken money.

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, Katihar in ABP No. 21 of 2019 arising out of SC/ST P.S.Case No. 05 of 2019; 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/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

