

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2692 of 2019**

Arising Out of PS. Case No.-540 Year-2017 Thana- KANKARBAG District- Patna

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LALU RAI Son of Munna Rai Resident of Mohalla- Indira Nagar, Road No.-
1, P.S.- Kankarbagh, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nagendra Prasad Yadav No.1
For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 24-07-2019 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 16.04.2019 passed by learned Additional
Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in
connection with Kankarbagh P.S. Case No. 540 of 2017
registered under Sections 341, 323, 504, 506 & 379/34 of the
Indian Penal Code and Section 3(1) (x) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act.

Over row of parking the tempo in front of the



garage of the informant by the appellant, the appellant started slating him and on protest made by the son of the informant, he arrived at his house armed with danda and extended threatening of dire consequences and when the informant opened the gate of his house he started slating him and also assaulted him.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. There is previous animosity between the parties as the informant has lodged encroachment case against the father of the appellant after making encroachment on the public land for making his house and due to this reason the informant has filed this false and frivolous case against the appellant. Informant has not sustained injury in the occurrence. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in connection with Kankarbagh P.S. Case No. 540 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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