

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3739 of 2018

Arising Out of PS. Case No.-89 Year-2018 Thana- PIPRAKOTHI District- East Champaran

1. Sita Ram Singh, Son of Sheo Banshi Singh,
 2. Hari Shankar Singh, Son of Bacha Singh.
 3. Chhote Babu, Son of Bacha Singh,
 4. Rajan Kumar Singh, Son of Bacha Singh,
- All are resident of Village- Makari Mahuawa, P.S.- Pipra Kothi, District- East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Singh

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 04-02-2019

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 27.08.2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in ABP No. 1590 of 2018 arising out of Pipra Kothi P.S. Case No. 89 of 2018 registered under Sections 323, 341, 354, 384, 504 and 506 of the Indian penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is of abusing the informant and demanding of Rs. 50,000/- from her son as



rangadari and also of assaulting the informant.

Submission of learned counsel for the appellants is that earlier before filing of this case, appellants' side had filed an application before the Superintendent of Police, Motihari to seek information with regard to irregularities committed in distribution of Poshak and Scholarship by son of the informant and same had also been filed before the State Information Commission, Patna in this regard and, therefore, the present false case has been lodged against the appellants.

Heard learned Spl. P.P also and learned counsel appearing on behalf of the informant who have opposed the prayer of bail on the ground that appellant no. 1 has been convicted in earlier case.

Having heard both sides and in view of the facts and circumstances, as stated above, so far as appellant no. 1 is concerned, I am not inclined to grant privilege of anticipatory bail to him rather he should surrender and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far rest of the appellants i.e., appellants no. 2, 3 and 4 are concerned, they are, 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, directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (POA)Act, East Champaran at Motihari in ABP No. 1590 of 2018 arising out of Pipra Kothi P.S.Case No. 89 of 2018; 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 appellant nos. 2,3 and 4.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

