

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3057 of 2019

Arising Out of PS. Case No.-132 Year-2017 Thana- MUFFASIL District- West Champaran

AGYALYA KUMAR @ AGYEYA KUMAR @ MURARI KUMAR S/o Uma
Shankar Thakur Resident of Mohalla- Saraswati Nagar, P.S.- Bettiah Muffasil,
District- West Champaran.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nagendra Prasad
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 30-07-2019 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 20.06.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge SC/ST Act, West Champaran
at Bettiah in connection with Bettiah Muffasil P.S. Case No. 132
of 2017 registered under Sections 341, 323 & 504/34 of the
Indian Penal Code and Section 3(1) (r)/ (2) (va) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

In course of regressing from Varanasi seven motorcycle borne criminals intercepted the informant slated him and snatched Rs.30,000/- and his other belongings.

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. As a matter of fact, the appellant had filed a case against the informant vide Bettiah Muffasil P.S. Case No.121 of 2017 on 03.04.2017 and in order to save skin from the said case the informant has filed this false and frivolous case against the appellant after abnormal and in ordinate delay of eight days without assigning any explanation for the same. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the name of his caste. Moreover, the parties to the case have compromised the matter. 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 1st Additional Sessions Judge cum Special Judge SC/ST Act, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No. 132 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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