

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.396 of 2020

Arising Out of PS. Case No.-10 Year-2019 Thana- SC/ST District- Patna

1. KUMAR RAJNISH @ RAJNISH KUMAR
2. Rakesh Kumar @ Chotu Chandarbanshi
both Sons of Mahesh Kumar Sinha @ Mahesh Chandrabanshi, Resident of
Village - Lahladpur, P.S. - Gaurichak, Dist. - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhay Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 02-09-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 09.01.2020 in A.B.P. No. 9911 of 2019 passed by the learned 8th Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Patna in connection with Special Case No. 89 of 2019 arising out of SC/ST Gardanibag Patna P.S. Case No. 10 of 2019 registered under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code as well as Sections 3(1)(r)(s)/3(2)(Va) of the SC/ST Act.



Co-accused Anju Devi is Chairman of the District Board and the informant of this case was a member thereof. Said Anju Devi lodged Gandhi Maidan P.S. Case No. 109 of 2019 on 27.02.2019 against the informant of this case alleging therein that informant entered into her chamber and misbehaved with her, outraging the modesty and also committed other alleged offences thereof. The present FIR was lodged on 28.02.2019 with Patna Town SC/ST Police Station alleging therein that when the informant had gone into the chamber of Anju Devi other co-accused persons were there and all abused him by taking caste name and committed assault and theft etc.

Learned counsel for the appellants submits that concocted and false allegation is there as the informant was pressurizing Anju Devi to withdraw the earlier case and just to misuse the provision of law, the present FIR has been lodged.

Considering the background of allegation if the impugned order would not be set aside it would lead to miscarriage of justice. Hence, the impugned order is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees



twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The appellants shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the appellants.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellants shall not leave the country without permission of the learned trial court.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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