

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3141 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- KANKARBAG District- Patna

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1. SURESH KUMAR AGRAWAL Son of Late Ram Bilash Agrawal
 2. Subham Jindal Son of Sri Suresh Kumar Agrawal
- Both Residents of - C - 8, P.C. Colony, P.S.- Kankargbagh, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 20-02-2020 This appeal is against the refusal of prayer for anticipatory bail. The office has pointed out that this appeal is barred by limitation of about 389 days. Besides filing a petition for condonation of delay the appellants have filed a supplementary affidavit today stating therein that in spite of no material during investigation of the case, the Court-below has taken cognizance on 20.05.2019. Hence, the cause of action for having apprehension of being arrested in this case arose afresh.

Contention is that the prayer for anticipatory bail was refused on 05.03.2018 in A.B.P. No.1444 of 2018 only on the ground that since the FIR was against unknown the petitioner had no apprehension of being arrested in the case in absence of any chit of paper to suggest such apprehension.



In the aforesaid circumstances, delay in filing of this appeal is condoned for substantial justice in this case.

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 against the refusal of prayer for anticipatory bail vide order dated 05.03.2018 by the learned Special Judge (S.C./S.T. Act), Patna, in connection with Kankarbagh Police Station Case No.138 of 2018, registered under Sections 341/323/504/506/427/353/34 of the Indian Penal Code and Sections 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

So far merit of this case is concerned, the FIR is against unknown. The informant is Town Manager in Patna Municipal Corporation. Cleaning work in the referred locality was going on. Two unknown persons reported that building material was kept on the road. For removal of building material an altercation started and abuse and assault was committed as well as obstruction in discharge of official duty.

Submission is that there is complete lack of evidence that the unknown person had knowledge that the informant was scheduled caste nor the informant had knowledge of the real



perpetrator of the so called crime. The appellants have got no criminal antecedent.

Considering the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (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 condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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