

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4741 of 2019

Arising Out of PS. Case No.-144 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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AMZED HUSSAIN @ AMJAD HUSSAIN, S/o Late Abdul Quaium, R/o
Village/Town - Ward No.- 1, Dharampur, P.S. - Samastipur Town, District -
Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
 2. Mithilesh Kumar Paswan, S/O Late Ram Balak Paswan, R/O village -
Dharampur Ward No. 1, P.S. - Town (Samastipur), District - Samastipur.
- Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr. Usha Kumari-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-02-2020

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 17.09.2019 in A.B.P No. 2331 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Samastipur in connection with Complaint Case No. 144 of 2017 registered under Sections 341, 323, 448, 504/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

According to statement of the complainant on oath, the mother of the complainant had allegedly taken loan of rupees ten thousand from the appellant. However, appellant got an agreement



to sale executed from the mother of the complainant wherein it is mentioned that rupees one lac sixty thousand was advanced as consideration money. In the background of the aforesaid disputed fact, allegation is of commission of abuse and assault.

Since the real dispute arises out of the said agreement between the parties and not for the reason that informant was a member of the scheduled caste, non-protection to the appellant would amount to failure of justice.

Hence, let the appellant, above named, in the event of his 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 bond of Rs.20,000/- (rupees twenty thousand) 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 appellant 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 appellant.

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



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

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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