

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4904 of 2019

Arising Out of PS. Case No.-50 Year-2016 Thana- SC/ST District- Vaishali

PRAMOD PRASAD SINGH @ SHAMBHU SINGH, Son of Late Tapeswar
Singh, Resident of Village - Bhathahi, P.S. - Jandaha, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakritita Sharma, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

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 29.08.2019 in A.B.P No. 2158 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Hajipur, Vaishali in connection with Vaishali SC/ST P.S. Case No. 50 of 2016 registered under Sections 341, 323, 504 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

Submission of learned counsel for the appellant is that FIR named Abhishek Kumar Singh is cousin of the appellant with whom several litigations civil as well as criminal are going on and the informant was setup at the instance of Abhishek Kumar Singh as the FIR itself reveals that the informant was working on the land



of Abhishek Kumar Singh. Offenses of the Indian Penal Code alleged against the appellant are bailable .

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that process under Section 82 and 83 Cr.P.C. have already been issued against the appellant.

In my view, issuance of process against the appellant, under Section 82 and 83 Cr.P.C., was itself illegal because there was no material before the court below to satisfy that the appellant was evading the process of law, especially, when the appellant was availing his statutory right of anticipatory bail.

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.
Uploading Date	17.02.2020
Transmission Date	17.02.2020

