

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5744 of 2019

Arising Out of PS. Case No.-333 Year-2019 Thana- BIDUPUR District- Vaishali

PREM PRAKASH SINGH Son of Surendra Singh Resident of Village -
Basantpur Kakrahata, P.S.- Bidupur, Distt.- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yugal Kishore, Advocate
For the Respondent/s : Mr. Bipin Kumar, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-03-2020 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 17.10.2019 in A.B.P. No. 2425 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 333 of 2019 registered under Sections 341, 323, 435, 504 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.

According to FIR, the appellant was ploughing his field on 13.08.2019 and in course of ploughing was touching the wall of the house of the informant. When the informant forbade, the appellant abused and assaulted to the informant.

Learned counsel for the appellant submits that false



and concocted allegation has been levelled after ten days of the alleged occurrence dated 13.08.2019. There is no explanation for such delayed information to the police.

Considering the background of allegation, let the appellant, above named, who has got no criminal antecedent, 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 to prevent the miscarriage of justice, 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)

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