

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2128 of 2020

Arising Out of PS. Case No.-55 Year-2019 Thana- MAHILA P.S. District- Saran

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BHUSHAN PRASAD @ BHUSHAN KUMAR, Male, aged about 50 years,
Son of Krishndeo Singh, resident of Village - Dahiyawan Mubarak Lane, P.S.-
Chapra Town, Distt.- Saran.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 24-02-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

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 “S.C./ST Act”) against the order dated 29.01.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Saran, in connection with Mahila P.S. Case No. 55 of 2019, registered for the offence under Sections 147, 323, 379, 354/34 of the Indian Penal Code and under Sections 3(i)(r)(s) of the SC/ST Act, by which the Court below has rejected the prayer for anticipatory bail of the appellant.

The complaint petition has been turned to be F.I.R. as the Court below has directed for institution of case under



Section 156(3) of the Code of Criminal Procedure. It has been alleged in the F.I.R. that the informant is the tenant and dispute arose on account of vacating the house. It has also been alleged the informant is a student and preparing for the competitive examinations. Allegation has been made that accused persons tried to outrage the modesty of the informant and forcibly took Rs.10,000/- from the briefcase and also took out a golden chain worth of Rs.30,000/-. It has also been alleged that they hurled abuses by her caste name.

Learned counsel for the appellant submits that the informant is in habit to file such a frivolous cases as earlier also she lodged a similar case against another person where she claimed herself to be the Government contractor and in the present case she transformed herself to be a student preparing for competitive examinations.

Looking to the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Saran, in connection with Mahila P.S.



Case No. 55 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to further conditions that (i) one of the bailors shall be a close relative of the appellant and (ii) the appellant shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellant.

Accordingly, the impugned order dated 29.01.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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