

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4354 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- PARIHAR District- Sitamarhi

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KANHAIYA SINGH @ KANHAI SINGH @ RAJIV RANJAN, Son of Tej Narayan Singh @ Teju Prasad Singh, Resident of Koiriya Pipara, P.S.- Parihar, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sanjay Baitha, Son of Shri Bindeshwari Baitha, Resident of Village- Koiriya Pipara, P.S.- Parihar, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kr Singh No.1
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-11-2021 Heard learned counsel for the appellant and learned Special Public Prosecutor 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 SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 26.08.2019, passed by learned 1st A.D.J. cum Special Judge (S.C./S.T. Act), Sitamarhi in connection with Parihar P.S. Case No.39 of 2018, registered under Sections 420, 406 and 120B of the Indian Penal Code and Sections 3 (i) (x) (xi) of the SC/ST Act.

Allegation against the appellant is that the appellant



was known to the complainant and appellant assured the complainant to manage job of mechanical assistant and took Rs.1,20,000/- for carrying the complainant to Saudi Arab. At Saudi Arab, the complainant was provided job of waiter.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellant was also made accused in Parihar P.S. Case No.40 of 2018, registered for the offences punishable under Sections 420, 406, 120(B) of the Indian Penal Code and sections 3(i) (x) (xi) of the SC/ST Act in which he has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 24.02.2020, passed in Criminal Appeal (SJ) No.4371 of 2019.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the appellant and submitted that the allegation in the FIR also attracts the provisions under the SC/ST Act.

Having considered the facts aforesaid, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each



to the satisfaction of learned 1st A.D.J./Special Judge (SC/ST Act), Sitamarhi in connection with Parihar P.S. Case No.39 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J.)

Sanjay/-

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