

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3859 of 2018

Arising Out of PS. Case No.-154 Year-2018 Thana- PALASI District- Araria

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1. Suresh Mistry son of Late Manilal Mistry
 2. Shanti Devi W/o Suresh Mistry
 3. Tuntun Mistry son of Suresh Mistry
 4. Anil Mistry S/o Suresh Mistry
 5. Jageshwar Mistry, son of Late Manilal Mistry
 6. Ramesh Mistry, son of Late Manilal Mistry. All Resident of Village- Belsari, P.S. Palasi, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gopal Kumar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-12-2018

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 11.09.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in A.B.P. No.1386 of 2018, arising out of Palasi Police Station Case No.154 of 2018, registered under Sections 147/323/342/498A/354B/201/384/386/504/506/120B of the Indian Penal Code and Sections 3/4 of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The complainant was in relationship with the son of the appellant Suresh Mistry. Thereafter both married with each other. Allegation is that the appellants are not allowing the complainant to be the member of their family.

Submission is that appellant Suresh Mistry filed an informatory petition on 20.04.2018 against the named persons including his son, who is husband of the complainant, alleging therein that they want to falsely implicate the appellants in false case or to commit some crime against them.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the nature of relationship and the statement of the appellants on oath that they have got no criminal antecedent, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each 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 condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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