

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4147 of 2019**

Arising Out of PS. Case No.-600 Year-2018 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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1. Ram Chandra Chaudhari, Son of Late Babu Lal Choudhari, Resident of Village - Haripur Ailouth, P.S. - Musrigharari, District - Samastipur
  2. Bishnu Das, Son of Devan Das
  3. Ram Nath Das, Son of Late Mahesh Das, Both are resident of Village - Laguniya Raghukanth, P.S. - Samastipur (Muffasil), District - Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR  
ORAL JUDGMENT**

**Date : 03-12-2019**

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 12.12.2018 in A.B.P. No. 2626 of 2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 600 of 2018 registered under Sections 323, 324, 341, 354, 379, 427, 504/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

According to FIR, the appellants and others



participated in the occurrence of assault to the members of scheduled caste and they also committed theft in presence of others.

Submission of learned counsel for the appellants is that appellant Bishnu Das and Ram Nath Das are themselves members of the scheduled caste and offences of the Indian Penal Code alleged against them are bailable. Appellant No. 1 Ram Chandra Chaudhari is aged about 70 years and some other co-accused have already been allowed anticipatory bail by a Coordinate Bench of this Court vide order dated 22.11.2019 passed in Cr. Appeal (SJ) No. 4420 of 2019.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the entire facts especially grant of anticipatory bail to some other co-accused and also considering the fact that appellant no. 1 Ram Chandra Chaudhari is very old and others are members of the scheduled caste, 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 anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

**(Birendra Kumar, J)**

Kundan/-

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| AFR/NAFR          | N.A.       |
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