

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4191 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- SC/ST District- East Champaran

1. INDU DEVI, Wife of Akbal Singh @ Ram Ekbal Singh
2. Subhasini Devi, Wife of Gatilal Singh
3. Jyoti Kumari, D/O Ram Ekbal Singh @ Ekbal Singh
4. Gatilal Singh, Son of Late Thakur Singh, All Residents of Village - Govindpur Parha Tola, P.S. - Harsidhi, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 19-12-2019

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 28.08.2019 in A.B.P. No. 2284 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Motihari SC/ST P.S. Case No. 67 of 2019 registered under Sections 341, 323, 324, 307, 379, 504 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

In the occurrence of assault, co-accused Nayan Singh



caused injury at the head of the informant with dagger and appellant no. 4 Gatilal Singh committed theft of cycle and one thousand rupees. Other appellants bear general and omnibus allegation and they are females.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the fact that there is no specific attribution against appellant Indu Devi, Subhasini Devi and Jyoti Kumari, let them be released, 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, 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 appellant no. 1, 2 and 3 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 appellant no. 1, 2 and 3 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.



Appellant no. 4 Gatilal Singh may surrender and pray for regular bail, in view of the allegation, he does not deserve the protection of anticipatory bail.

Accordingly, this appeal is **partly allowed and partly dismissed.**

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	20.12.2019
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