

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5264 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- MAIN P.S. District- Gaya

RAMADHAR SINGH Son of Late Ambika Singh Resident of Village-
Sonwarsha, P.S.- Main, Dist- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-12-2019

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 13.11.2019 in A.B.P. No.276 of 2019 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Main P.S.Case No. 22 of 2019 registered under Sections 341, 354, 504, 506, 34 of the Indian Penal Code as well as under Sections 3(1)(r)(f) of the Scheduled Castes and Scheduled Tribes Act.

The appellant is aggrieved by refusal of prayer for anticipatory bail by the learned Special Judge in Main P.S.Case No.22 of 2019 registered for offences under Sections 341, 354, 504, 506, 34 of the Indian Penal Code as well as under Sections 3(1)(r)(f) of the Scheduled Castes and Scheduled Tribes Act.



Submission is that offences of the Indian Penal Code are bailable and offence alleged under Scheduled Castes and Scheduled Tribes Act is not applicable for the reason that the allegation of threat by the appellant and others is not at any public place and within public view and other allegations are against some other co-accused. Moreover, some other co-accused have been allowed anticipatory bail by a Coordinate Bench of this Court vide Annexure-2.

Finding substance in the submission of learned counsel for the appellant that prima facie no offence is said to be committed under the provisions of Scheduled Castes and Scheduled Tribes Act is made out against the appellant.

Hence, let the appellant, above named, in the event of his 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 bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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 and further the appellant shall fully cooperate with the investigation of



the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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