

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5411 of 2019

Arising Out of PS. Case No.-15 Year-2015 Thana- SC/ST BAGHA District- West Champaran

1. KANEEJ FATMA Wife of Lukumdin Ansari @ Lukumdin Miyan Resident of Village - Ghewardi, P.S.- Dhanaha, District - West Champaran.
2. Kursid Ansari @ Kursel Son of Lukumdin Ansari @ Lukumdin Miyan Resident of Village - Ghewardi, P.S.- Dhanaha, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-12-2019 Heard learned counsel for the appellants. No one appears on behalf of the State to oppose this appeal.

The appellants is seeking setting-aside the order dated 27.09.2019 passed in A.B.P. No. 2334 of 2019 arising out of Bagaha SC/ST P.S. Case No. 15 of 2015 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(i)(x)(xi) of the SC/ST (Prevention of Atrocities) Act by learned 1st Additional District & Sessions Judge – cum – Special Judge (SC/ST/POCSO), Bettiah, West Champaran.

Learned counsel for the appellants submits that the offences alleged are under Sections 341, 323, 504/34 of the I.P.C. which are bailable offences but the offences alleged under



Section 3(i)(x)(xi) of the SC/ST (Prevention of Atrocities) Act has made it non-bailable. It is his submission on bare perusal of the First Information Report it would appear that there seems to be a dispute between the two boys who were playing cricket and it is alleged that when the son of the informant was returning home, these appellants and husband of appellant no. 1 had indulged in beating him. Learned counsel submits that the appellant no. 1 is the mother of appellant no. 2. The allegations of beating against them have been made in most general and vague manner and it is being a petty dispute, the appellants may be given benefit of anticipatory bail. Learned counsel for the appellants further submits that investigation in the case is still pending and though the case is of the year 2015.

Considering the facts and circumstances of the case, the nature of allegations which are in respect of petty offence which are bailable, let the impugned order as regards these appellants be set-aside and in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named appellants be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge – cum – Special Judge



(SC/ST/POCSO), Bettiah, West Champaran, in connection with Bagaha SC/ST P.S. Case No. 15 of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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