

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5620 of 2019

Arising Out of PS. Case No.-174 Year-2017 Thana- NATHNAGAR District- Bhagalpur

1. MANNU CHOUDHARY @ MANOJ KUMAR CHOUDHARY Son of Shambhu Choudhary @ Shambhu Nath Choudhary Resident of Village - Purani Sarai, P.S.- Madhusudanpur, Distt.- Bhagalput.
2. Kumar Umang @ Kumar Umesh @ Umesh Son of Mannu Choudhary @ Manoj Kumar Choudhary Resident of Village - Purani Sarai, P.S.- Madhusudanpur, Distt.- Bhagalput.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Syed Masleh Uddin Ashraf
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-12-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The appellants are seeking setting aside the order dated 19.11.2019 passed by learned 3rd Additional District & Sessions Judge – cum – Special Judge, SC/ST Act, Bhagalpur in Anticipatory Bail Application No. 2471/2019 in Nathnagar (Madhusudanpur) P.S. Case No. 174 of 2017 registered under Sections 147, 149, 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r) of the SC/ST (Prevention of Atrocities) Act, by which the anticipatory bail of the appellants has been rejected.

Learned counsel for the appellants submits that the



offences alleged under the provisions of Indian Penal Code in which cognizance has been taken are bailable in nature. Learned counsel submits that appellants were on police bail under Section 41(1) Cr.P.C. having executed a bond thereunder on 06.12.2017 and has not misused that undertaking.

Learned Special P.P. for the State has opposed the prayer for anticipatory bail of the appellants.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellants that the offences alleged under the provisions of Indian Penal Code in which cognizance has been taken are bailable in nature and the only non-bailable section is the provision of the SC/ST (Prevention of Atrocities) Act 1989 because of which he has approached this court, the submission that the appellants were on police bail under Section 41(1) Cr.P.C. having executed a bond thereunder on 06.12.2017 and has not misused that undertaking as also considering a reasonable submission taken by learned Special P.P. for the State that in such circumstance the appellant may surrender in the court below and pray for regular bail on the same day, this court instead of entertaining this application, directs that in case the appellants surrender and pray for regular bail within a period of



four weeks from today in the court below, their prayer for regular bail shall be considered and disposed off on the same day keeping in view the provisions of the I.P.C. under which the appellants have been charge-sheeted are bailable in nature and further that the appellants had been given the benefit of Section 41(1) Cr.P.C. by police in course of investigation.

This Appeal stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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