

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.47 of 2020

Arising Out of PS. Case No.-33 Year-2019 Thana- SC/ST District- Banka

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Dhaneshwar Sharma Son of Late Prasadi Sharma Resident of Village -
Maheshadih, P.S.- Banka, Distt.- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Nandad Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 15-12-2020 This matter has been taken up in virtual Court
proceeding.

Let the defects be removed within two weeks after
opening of the physical court.

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 against the refusal of prayer for
anticipatory bail vide order dated 22.11.2019 passed by the
learned Additional Sessions Judge I-cum-Special Judge
(S.C./S.T. Act), Banka, in connection with SC/ST Police Station
Case No.33 of 2019, registered under Sections
341/323/379/504/506/34 of the Indian Penal Code and Section
3(i)(r) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, 1989.

Appellant and other co-accused are co-villagers of the informant. When informant was returning back to his house, the appellant allegedly committed abuse and assault as well as theft.

Learned counsel for the appellant submits that the FIR would reveal that no one was there at the time of occurrence. Hence, the occurrence did not take place in public view. Moreover, due to village politics false allegation is there. The appellant has got no criminal antecedent. He is aged about 60 years.

Considering the facts of this case aforesaid it is evident that non-grant of protection to the appellant would amount to failure of justice. 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 bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) 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 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.

The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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