

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.148 of 2020

Arising Out of PS. Case No.-342 Year-2019 Thana- PAKARIBARAW District- Nawada

1. RAJESH KUMAR Son of Kishori Saw Resident of Village - Pakribarawan, P.s.- Pakribarawan, Distt.- Nawada.
2. Priyanka Kumari D/o Kishori Saw Resident of Village - Pakribarawan, P.s.- Pakribarawan, Distt.- Nawada.
3. Mina Devi W/o Kishori Saw Resident of Village - Pakribarawan, P.s.- Pakribarawan, Distt.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kumar, Advocate.
For the Respondent/s : Mr.Binay Krishna, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-12-2020 Heard the parties in virtual Court.

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 10.12.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Nawada in A.B.P. No. 1646 of 2019, arising out of Pakribarawan P.S. Case No. 342 of 2019 registered under Sections 341, 323, 354, 397/34 of the Indian Penal Code and Sections 3(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Considering the background of allegation disclosed in the First Information Report and the fact that counter case was earlier to the present case, it is evident that the occurrence did not take place for the reason that the prosecution side were members of the scheduled caste rather it took place for land dispute. Appellants have got no criminal antecedent. Two of the appellants are female.

In the aforesaid circumstances, non grant of protection to the appellants would amount to failure of justice. Hence, let the appellants, above named, 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, be released on bail, on furnishing bail bonds of Rs. 20,000/- (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 Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellants 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 appellants.

(c) The appellants 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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