

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.349 of 2020**

Arising Out of PS. Case No.-27 Year-2019 Thana- SC/ST District- Siwan

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1. PASHUPATI MISHRA @ PASHUPATI NATH MISHRA Son of Late Jiute Mishra Resident of Gangauli, P.S.- Jiradei, District- Siwan.
 2. Umashankar Gond Son of Late Rampujan Gond Resident of Chakra, P.S.- Siwan Town, District- Siwan.
 3. Surendra Gond Son of Late Rampujan Gond Resident of Chakra, P.S.- Siwan Town, District- Siwan.
 4. Binod Gond @ Binod Sah Son of Late Ramparvesh Gond Resident of Chakra, P.S.- Siwan Town, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Bhushan Verma, Advocate.

For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 20-02-2020 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 02.12.2019 by the learned 1st Addl. Sessions Judge cum Special Judge, Siwan in A.B.P. No. 2313 of 2019, arising out of SC/ST P.S. Case No. 27 of 2019 registered under Sections 147, 148, 323, 324, 427, 380, 379, 504, 506 and 354B of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

The appellant no.1 had purchased Plot No. 513 under Khata No. 204 through registered sale deed on 14.06.1978 from Girdhari Sah and others and complainant purchased the same plot through registered sale deed dated 29.07.2010 from named persons in the F.I.R. Therefore, there is apparent bonafide claim of the appellant no.1 over the land under proceeding. Other appellants are member of the scheduled caste.

Considering the aforesaid facts, to prevent miscarriage of justice, 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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