

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1209 of 2020

Arising Out of PS. Case No.-104 Year-2019 Thana- BITHAN BAZAR District- Samastipur

SURESH YADAV, Son of Late Ramdev Yadav, Resident of Village - Ward
No. 03, Kuaa, Bithan Samastipur, P.S. - Bithan, Dist. - Samastipur, Bihar
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shama Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-08-2020 The matter has been taken up through virtual Court proceeding.

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.02.2020 in A.B.P. No. 314 of 2020 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with Bithan P.S. Case No. 104 of 2019 registered under Sections 307/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(i)(r), 3(i)(s) of the SC/ST Act.

Submission is that the FIR would reveal that only allegation against the appellant is that since he had enmity with the informant he was instrumental in the occurrence allegedly committed by some other person.



Since only suspicion is there against the appellant, hence in the ends of justice, this is not a fit case wherein the appellant should be compelled to go to jail. Hence, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees 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 subject to the following conditions:-

1. The appellant shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the appellant.

2. Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

3. The appellant shall not leave the country without permission of the learned trial court.

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

(Birendra Kumar, J)

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