

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3872 of 2019

Arising Out of PS. Case No.-145 Year-2017 Thana- FATEHPUR District- Gaya

1. SANTOSH KESHRI Son of Late Sukhdeo Sao
2. Munni Devi Wife of Santosh Keshri
3. Pappu Kumar Son of Santosh Keshri
4. Anil Kumar Son of Santosh Keshri
All Resident of Village- Dumari Chatti, P.S.- Fatehpur, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Navin Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 18-02-2020 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 03.07.2019 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in connection with Fatehpur Police Station Case No.145 of 2017, registered under Sections 323/341/379/458/504/34 of the Indian Penal Code and Sections 3(i) (r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Title Suit No.66 of 2016 is going on between the



parties, a copy of the plaint is at Annexure-2. In the aforesaid background complaint based FIR reveals that there is allegation of commission of assault and theft.

Submission is that malicious prosecution is there to pressurize in the civil dispute.

In the background of the allegation, in my view, the appellants deserve protection of law to prevent miscarriage 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 Code of Criminal Procedure as well as condition that 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.

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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