

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4008 of 2019

Arising Out of PS. Case No.-113 Year-2018 Thana- SC/ST District- Sitamarhi

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1. SANJEET KUMAR YADAV @ PAPPU YADAV Son of Ram Nath Rai Resident of Village- Ramnagra, P.S- Riga, District- Sitamarhi.
 2. Priyanka Kumari Wife of Sanjeet Kumar Yadav @ Pappu Yadav Resident of Village-Ramnagra, P.S-Riga, District-Sitamarhi.
 3. Gagandeo Rai Son of Bujhawan Rai Resident of Village-Ramnagra, P.S-Riga, District-Sitamarhi.
 4. Sitambari Devi Wife of Ramnath Rai Resident of Village-Ramnagra, P.S-Riga, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prabhat Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-02-2020 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 23.07.2019 by the learned 1st A.D.J. cum Special Judge (SC/ST Act), Sitamarhi in A.B.P. No. 1415/19/142/19, arising out of Sitamarhi SC/ST P.S. Case No. 113 of 2018 registered under Sections 341, 323, 324, 354, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

The offences of Indian Penal Code alleged against the appellants are mostly bailable. There is allegation of commission of assault to a member of the scheduled caste. Though the same is general and omnibus. Hence prayer for anticipatory bail would be barred under Section 18 of the Act.

Therefore, let the appellants Sanjeet Kumar Yadav @ Pappu Yadav and Gagandeo Rai surrender within two weeks and pray for regular bail which shall be considered by the Court below without being prejudiced by this order.

Taking special consideration in the matter of two female appellants namely Priyanka Kumari and Sitambari Devi, who are not carrying specific allegation of commission of offence under SC/ST Act, let them be released on bail, 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, 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 Priyanka Kumari and Sitambari Devi 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 aforesaid appellants.

(c) The appellants Priyanka Kumari and Sitambari Devi shall not leave the country without permission of the trial Court.

With the aforesaid observation, this appeal is partly allowed and partly dismissed.

(Birendra Kumar, J)

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