

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4185 of 2019

Arising Out of PS. Case No.-52 Year-2018 Thana- SC/ST District- Samastipur

1. Arun Kumar Singh Son of Sri Chandradev Singh,
2. Pappu Singh Son of Sri Bhuneshwar Singh,
resident of Village - Bochaha, P.S. Mohiuddinnagar, District-Samastipur
3. Bharath Ray Son of Late Lalji Ray resident of Village - Khanua, P.S.-
Vidiyapati Nagar, Distt - Samastipur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Sri Vishwanath Prasad Singh, Sr. Adv. Mr.Pramod Kumar Singh, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, A.P.P. Mr.Mukesh Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 31-01-2020 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 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail vide order dated 19.07.2019 by the learned 1st Additional Sessions Judge, Samastipur in A.B.P. No.1531of 2019, arising out of SC/ST P.S. Case No.52 of 2018 registered under Sections 323, 341, 504,506, 34 of the Indian Penal Code and Sections 3(1), 3(1)(r), 3(1)(s) of the SC/ST Act.

Though there is allegation against the appellants of commission of offences under the Indian Penal Code as well as under SC/ST Act, however submission is that after investigation, the police



did not send up the appellants for trial for any of the offences as the allegation was found not true due to land dispute between the parties.

Learned counsel for the informant has opposed the prayer for anticipatory bail.

Considering the fact that after investigation the police did not find the accusation true, let the appellant, above named, in the event of his 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 bond of Rs.20,000/-(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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant 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 appellant.

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

(Birendra Kumar, J.)

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