

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4039 of 2019

Arising Out of PS. Case No.-92 Year-2017 Thana- SC/ST District- Rohtas

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1. RAJENDRA SAH Son of Bhuneshwar Sah
 2. Bhuneshwar Sah Son of Late Narayan Sah
Both Resident of Village- Barkadih, P.S.- Sheosagar (Baddi), District-
Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prema Devi Wife of Ram Prasad Ram Resident of Village- Bhawanipur,
Badhaiyabag, Takiya, P.S.- Sasaram (M), District- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Pandey, Advocate
For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 17-02-2020 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 23.08.2019 by the learned 1st Additional Sessions Judge, Rohtas at Sasaram, in connection with Dehri SC/ST Police Station Case No.92 of 2017 registered under Sections 147/149/341/337/420/504 of the Indian Penal Code and Section 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The FIR reveals that the entire allegation arises out of a dispute regarding measurement of land purchased by the complainant through registered sale deed.

Evidently, the matter is of civil dispute and the occurrence did not take place for the reason that the informant is a member of the scheduled caste. Hence, in my view, the appellant deserves the protection of law.

Considering the aforesaid facts, 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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