

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4198 of 2019

Arising Out of PS. Case No.-35 Year-2016 Thana- SC/ST District- Samastipur

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1. RAMA SHANKER MISHRA @ RAM SHANKER MISHRA Son of Harikant Mishra Resident of Village - Chakhabib, P.S.- Bibhutipur, Dist.- Samastipur.
 2. Shiv Shankar Mishra Son of Harikant Mishra Resident of Village - Chakhabib, P.S.- Bibhutipur, Dist.- Samastipur.
 3. Prem Shankar Mishra Son of Harikant Mishra Resident of Village - Chakhabib, P.S.- Bibhutipur, Dist.- Samastipur.
 4. Indra Mohan Mishra Son of Amaresh Mishra Resident of Village - Chakhabib, P.S.- Bibhutipur, Dist.- Samastipur.
 5. Krishan Mohan Mishra Son of Amaresh Mishra Resident of Village - Chakhabib, P.S.- Bibhutipur, Dist.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Singh, Advocate.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 20-02-2020 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 02.07.2019 by the learned 1st Addl. Sessions Judge, Samastipur in A.B.P. No. 558 of 2019, arising out of SC/ST P.S. Case No. 35 of 2016 registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Title Suit No. 161 of 2015 is going on in the Court of learned Civil Judge, Junior Division, Rosera between the parties. In the aforesaid background, the allegations of commission of offences of Indian Penal Code are mostlyailable.

In the background of allegation, to prevent miscarriage of justice, 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 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 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.

(c) 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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