

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4274 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- SC/ST BAGHA District- West Champaran

Nandkishore Sahani Son of Pahwari Sahani Resident of Village - Rampur
Pokhara Tola, Ward No. 7, P.S.- Laukariya, Distt - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 25-02-2020

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 10.07.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in connection with Bagaha SC/ST Police Station Case No.1 of 2019, registered under Sections 341/323/379/504/34 of the Indian Penal Code and Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that some other co-accused bearing general and omnibus allegation of assault were allowed anticipatory bail by a coordinate Bench of this Court vide order at Annexure-3 considering the fact that specific allegation was against co-accused Ram Chandra Sahani to have assaulted to the informant and the



doctor has found single injury on the person of the informant and had not found any injury on any other person.

Considering the fact that prima facie no accusation under the SC/ST Act is made out against the appellant, 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 bonds 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 the 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.

The appellant 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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