

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4263 of 2019

Arising Out of PS. Case No.-245 Year-2019 Thana- TARAIYA District- Saran

-
1. RAM KUMAR SINGH Son of Shri Kameshwar Singh Resident of Village- Ardewa, P.S.- Taraiya, District- Saran (Chapra).
 2. Kameshwar Singh Son of Late Kailash Singh Resident of Village- Ardewa, P.S.- Taraiya, District- Saran (Chapra).

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra, Advocate.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 13-02-2020 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 28.08.2019 by the learned Addl. District and Sessions Judge-I cum Special Judge, SC/ST, Saran at Chapra in A.B.P. No. 2593 of 2019, arising out of Taraiya P.S. Case No. 245 of 2019 registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3(w)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant Kameshwar Singh aged about 92 years is not pulling well with his own son Upendra Singh. In the



aforesaid background, appellant Kameshwar Singh lodged Taraiya P.S. Case No. 244 of 2019 against his son Upendra Singh and the informant of this case who is domestic help of Upendra Singh.

In the aforesaid background, allegation against the appellants is that they abused to the informant by taking his caste name.

Learned counsel for the appellants submits that the background of the allegation would reveal that the present F.I.R. is abuse of the process of the Court and non-grant of bail to the appellants would cause failure of justice. Learned counsel for the appellants has placed reliance on the judgment of Hon'ble Supreme Court in the case of Prathvi Raj Chauhan Vs. Union of India & Ors. passed in Writ Petition (Civil) No. 1015/2018.

Considering the background of the allegation, 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)

mantreshwar/-

U		T	
---	--	---	--

