

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4371 of 2019**

Arising Out of PS. Case No.-40 Year-2018 Thana- PARIHAR District- Sitamarhi

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KANHAIYA SINGH @ KANHAI SINGH @ RAJIV RANJAN Son of Tej  
Narayan Singh Resident of Koiriya Pipara, P.S.- Parihar, District- Sitamarhi.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Kamal Kumar Son of Late Chandar Baitha Resident of Koiriya Pipara, P.S.-  
Parihar, District- Sitamarhi.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Ajay Kr Singh No.1  
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

5      24-02-2020                      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 26.08.2019 by the learned 1<sup>st</sup> A.D.J. cum Special Judge, SC/ST Act, Sitamarhi in Parihar P.S. Case No. 40 of 2018 registered under Sections 420, 406 and 120B of the Indian Penal Code and Sections 3(i)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that the appellant was known to the complainant and appellant assured the



complainant to manage job of mechanical assistant and took Rs. 1,20,000/- for carrying the complainant to Saudi Arab. At Saudi Arab, the complainant was provided job of waiter.

Considering the nature of allegation and conscious involvement of the complainant as well as considering the fact that there is no material on record to substantiate that the complainant was having expertise in mechanics nor the complainant has stated so in the complaint petition, 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 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 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.

(c) 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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