

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4439 of 2019

Arising Out of PS. Case No.-152 Year-2019 Thana- MEHANDIGANJ District- Patna

1. ATABARI DEVI Wife of Bishwanath Yadav Resident of Village-Partappur,
P.S.-Mehadiganj, District-Patna.
2. Bishwanath Yadav Son of Late Sita Ram Yadav Resident of Village-
Partappur, P.S.-Mehadiganj, District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Suresh Singh, Advocate.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

4 14-02-2020 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 09.09.2019 by the learned Addl. Sessions Judge-XX cum Special Judge (SC/ST Act), Patna in A.B.P. No. 6947 of 2019, arising out of Mehadiganj P.S. Case No. 152 of 2019 registered under Sections 341, 323, 504, 307 and 447/34 of the Indian Penal Code and Sections 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Considering the fact that there is case and counter case and parties have entered into a written compromise as well as considering the fate of the trial after compromise between the



parties, in my view, non-grant of anticipatory bail to the appellants would amount to failure of justice, hence 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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