

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4522 of 2019

Arising Out of PS. Case No.-70 Year-2013 Thana- SC/ST District- Purnia

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1. RAJESH KUMAR SINGH @ RAJA SINGH Son of Shiv Shankar Singh
Resident of Village - Jail Chowk, P.S.- K.Hat, Distt.- Purnia.
 2. Shiv Shankar Singh Son of Late Vijay Singh Resident of Village - Jail
Chowk, P.S.- K.Hat, Distt.- Purnia.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sada Nand Roy, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 04-02-2020 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 08.07.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Purnia in A.B.P. No. 46 of 2019, arising out of SC/ST (Purnia) P.S. Case No. 70 of 2013 registered under Sections 147, 148, 384, 468 and 420 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Complaint petition would reveal that real dispute



between the parties arises out of an agreement to sale.

Learned counsel for the appellants submits that after investigation, police submitted final form not sending up the appellants for trial. However, learned Judicial Magistrate disagreed with the police report and took cognizance of the offences alleged.

Contention is that, in fact, no offence under provision of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellants as per the cognizance order.

Considering the fact that there is no case made out under the provision of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for the purpose of consideration of prayer for anticipatory bail, 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 with 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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