

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4563 of 2019**

Arising Out of PS. Case No.-126 Year-2019 Thana- MAIRWAN District- Siwan

1. ASHOK KUMAR PATWA Son of Rameshwar Patwa
2. Rameshwar Patwa Son of Late Nakhlal Patwa
3. Ram Kumari Devi @ Raj Kumari Devi Wife of Rameshwar Patwa
All Residents of Village- Babhanauli, Police Station- Mairwa, District-
Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Prakash Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, 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 04.09.2019 passed by the learned 1st Additional Sessions Judge, Siwan, in Mairwa Police Station Case No.126 of 2019, registered under Sections 323/354/427/379/504/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that for the occurrence of



19.10.2017 the complaint petition was filed on 26.07.2018 and on the basis of complaint petition the FIR was registered on 25.05.219. The offences of the Indian Penal Code alleged are mostly bailable. The appellants have got no criminal antecedent.

Considering the infirmities in prosecution case aforesaid, non-grant of protection to the appellants would amount to miscarriage of justice, 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 Code of Criminal Procedure as well as condition that 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.

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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