

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4562 of 2019**

Arising Out of PS. Case No.-135 Year-2019 Thana- CHANDI District- Bhojpur

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1. BHUDEV SINGH @ BUDHDEV SINGH Son of Ram Lal Mahto
 2. Lal Babu @ Lal Babu Singh Son of Late Lahwar Mahto
 3. Ganga Ray Son of Mahesh Ray
 4. Mojan Singh @ Manoranjan Kumar Singh @ Manoranjan Singh Son of Naresh Mahto
- All are Residents of Village - Narbirpur, P.S.- Chandi, District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rama Kant Singh, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

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

3 17-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 31.08.2019 in A.B.P. No.1826 of 2019(Chandi P.S.Case No.135 of 2019) passed by the learned 1st Additional District and Sessions Judge, Bhojpur, Ara registered under Sections 147,148,149,341,323,325,307 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

The appellants are resident of different district to that of the informant. The informant was going alongwith his



wife. At about 9.30 P.M., the informant was assaulted by the 10 FIR named accused person and 10 to 12 unknown person suspecting that the informant was a thief.

Submission is that the allegation is general and omnibus and the occurrence alleged did not take place as the appellants were knowing that informant is a member of scheduled caste rather occurrence took place on misconception of fact, even if the prosecution allegation is assumed to be correct.

In the aforesaid facts and circumstances, non-grant of protection to the appellants would amount to failure 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and further the appellants shall fully cooperate with the investigation/trial of the case and also the appellants shall not leave the country without permission of the learned Trial



Court, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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