

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4796 of 2019**

Arising Out of PS. Case No.-329 Year-2018 Thana- BRAHMPUR District- Buxar

1. RAMCHANDRA YADAV, Son of Danpat Yadav
2. Lal Bihari Yadav, Son of Ram Chandra Yadav, Both Resident of Village - Barki Nainijore, P.S. - Brahmpur, (Nainijore O.P.), Distt - Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

Date : 29-01-2020

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 04.09.2019 in A.B.P. No. 857 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Buxar in connection with Brahmpur (Nainijore) P.S. Case No. 329 of 2018 registered under Sections 147, 148, 149, 448, 341, 323, 307, 506, 379 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

Submission of learned counsel for the appellants is that the appellants were not sent up for trial. However, the learned Magistrate disagreed with the police report and took cognizance against the appellants also. Further submission is that there is general and omnibus allegation and co-accused Murari Yadav and two others were allowed anticipatory bail by this Court vide order dated 14.12.2018 in Cr. Appeal (SJ) No.3676 of 2018 (Annexure-5).



Finding substance in the submission aforesaid, 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 bonds of Rs.20,000/- (rupees 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 subject to the following conditions:-

(a) 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.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellants shall not leave the county without permission of the learned trial court.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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