

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4483 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- SC/ST District- Kishanganj

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1. MD. RAHIMUDDIN
2. Md. Sadique, both Sons of Late Iliyas, both Resident of Village - Naukatta,
P.S. - Pothia, District - Kishanganj.
- Appellant/s
- Versus
- The State of Bihar
- Respondent/s
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Appearance :

For the Appellant/s : Mr. Dilip Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-02-2020

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 (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. 40 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kishanganj in connection with Kishanganj (SC/ST) P.S. Case No. 10 of 2019 registered under Sections 341, 323, 325, 504/34 of the Indian Penal Code as well as Sections 3(i)(s), 3(2)(va) of the SC/ST Act.

The offences of the Indian Penal Code alleged against the appellants are bailable. The parties have entered into a compromise. The FIR discloses that the occurrence did not take place for the reason that informant was a member of the scheduled caste. Rather it took



place for the reason that the oxen of the appellants had damaged the ridges of the field of the informant.

Considering the facts aforesaid, let the appellants, above named, in the event of their arrest or surrender before the learned 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 learned 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 country 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.
Uploading Date	18.02.2020
Transmission Date	18.02.2020

