

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4682 of 2019

Arising Out of PS. Case No.-36 Year-2018 Thana- SC/ST District- Muzaffarpur

AJAY KUMAR Son of Ram Babu Sahani Resident of Village - Karnapur Tola
Kakarachak, P.S.- Bochhan, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar, Adv

For the Respondent/s : Mr.Binay Krishna, 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 04.09.2019 in A.B.P. No.2640 of 2019 arising out of SC/ST P.S.Case No.36 of 2018 passed by the learned Special Judge, SC/ST Act, Muzaffarpur registered under Sections 323,379,384,406,420,467,468,504 of the Indian Penal Code as well as under Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

The complaint based FIR would reveal that complainant had purchased the land from co-accused- Ganeshman Singh and Kamlesh Kumar. However, those accused were not allowing the complainant to take possession of



the purchased land and in the occurrence appellant had also participated.

Considering the background of allegation which did not take place for the reason that complainant was a member of the scheduled caste, let the appellant, above named, in the event of his 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) 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 appellant shall fully cooperate with the investigation/trial of the case and also the appellant 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 appellant.

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

(Birendra Kumar, J)

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