

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4679 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- SC/ST District- Nawada

1. SHANKAR KUSHWAHA @ SHIV SHANKAR PRASAD, Son of Moti Kushwaha
2. Manisha Kumari, Wife of Shankar Kushwaha @ Shiv Shankar Prasad
3. Rajesh Kushwaha @ Ravi Ranjan @ Ravi Ranjan Kumar, Son of Late Gainu Kushwaha
4. Santosh Singh, Son of Ambika Singh @ Amirak Singh
5. Mukesh Kushwaha @ Mukesh Prasad, Son of Balmiki Mahto, All Resident of Village - Lodipur, P.S.- Akbarpur, District - Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amresh Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 18-02-2020 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 30.09.2019 in A.B.P. No. 1421 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Nawada in connection with SC/ST (Nawada) P.S. Case No. 18 of 2019 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.



According to FIR, the appellants allegedly committed abuse and assault against the informant. Further, allegation is of commission of theft of ornament from the person of the informant.

Submission is that the allegation is general and omnibus. There is specific allegation against some of the appellants and there is delay of four days in lodging of the FIR.

Considering, *prima facie*, accusation of commission of offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, I am not inclined to enlarge appellants **Shankar Kushwaha, Rajesh Kushwaha, Santosh Singh and Mukesh Kushwaha**, on anticipatory bail. Hence, their appeal against refusal of the prayer for anticipatory bail stands dismissed.

Appellant Manisha Kumari is a female, hence, taking special consideration in the matter of bail, let the **appellant no. 2 Manisha Kumari**, in the event of her 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 bond of Rs.20,000/- (rupees twenty thousand) 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 appellant no. 2 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 appellant no. 2.

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

(c) The appellant no. 2 shall not leave the country without permission of the learned trial court.

Accordingly, this appeal stands partly allowed and partly dismissed.

(Birendra Kumar, J)

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