

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4875 of 2019

Arising Out of PS. Case No.-14 Year-2014 Thana- SC/ST BAGHA District- West Champaran

1. Mukhi Yadav Son of Late Mahadev Yadav
 2. Surendra Yadav @ Surendar Yadav Son of Mukhi Yadav
 3. Manoj Yadav Son of Mukhi Yadav
 4. Pramod Yadav Son of Mukhi Yadav
- All are residents of Village - Chhotaki Patti, Bargaon, Ward No. 12, P.S.-
Bagaha, Distt - West Champaran (Bettiah).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-01-2020

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 against the refusal of prayer for anticipatory bail vide order dated 17.09.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Bettiah, West Champaran, in connection with Bagaha (SC/ST) Police Station Case No.14 of 2014 registered under Sections 341/323/447/34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, 1989.

Allegation against the appellants is of commission of abuse and assault against the informant and her husband.

Submission is that after investigation the police found the allegation as untrue and submitted final form not sending up the appellants for trial. However, the learned Court-below has differed with the police report and took cognizance.

Considering the fact that during investigation of the FIR the allegation was found untrue, for the purpose of consideration of the prayer for anticipatory bail, in my view, this is a fit case for grant of anticipatory bail, 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 bail on furnishing bail bonds of Rs.20,000/- (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 condition that the appellants shall fully cooperate with the trial of the case, 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
the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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