

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4909 of 2019

Arising Out of PS. Case No.-338 Year-2018 Thana- BARHARIA District- Siwan

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RAMESHWAR SAH @ RAMESHWAR PRASAD Son of Raghunath Sah
Resident of Village- Lakari Dargah, P.S.- Barharia, District- Siwan.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 25-02-2020 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 21.09.2019 in A.B.P. No.1733 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Barharia P.S.Case No. 338 of 2018 registered under Sections 447,341,323,379,380,427,504,506/34 of the Indian Penal Code as well as under Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

Learned counsel for the appellant submits that in the FIR different plots are referred and claimed to be of the



informant whereas the copy of registered sale deed would reveal that all the aforesaid plots have already been sold in the year 1996 in the name of Raghunath Sah, father of the appellant and name of Raghunath Sah has already been mutated in the Govt. records. Further submission is that false allegation is there as informant is wrongfully claiming on the referred plot.

Considering the submission aforesaid, non-grant of protection to the appellant would lead to miscarriage of justice, 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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