

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4891 of 2019

Arising Out of PS. Case No.-81 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. HARI SHANKAR SINGH, Son of Late Ram Narayan Singh
 2. Mukul Prasad Singh @ Hitler, Son of Hari Shankar Singh, Both Resident of Village - Gita Deuja (Deodha), P.S. - Hasanpur, Distt. - Samastipur.
 3. Ravindra Rai @ Ravind Rai, Son of Late Amik Lal Rai
 4. Vikash Rai @ Vikash Kumar @ Vikesh Rai, Son of Sanjay Rai
Both Resident of Village - Kharhiya, P.S.- Hasanpur, Distt. - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dukhan Ram, Son of Faku Ram, Resident of Village - Kharhiya, Gram Panchayat Dudpura, Ward No. 13, P.S.- Hasanpur, Distt - Samastipur.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-02-2020 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 02.09.2019 in A.B.P. No. 2179 of 2019 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with C.R. Case No. 81 of 2018, T.R. No. 1101 of 2019 arising out of Hasanpur P.S. Case No. 28 of 2017 registered under Sections 307, 392, 380, 384, 406, 420, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.



Submission is that initially Hasanpur P.S. Case No. 28 of 2017 was registered against the appellants on the report of the same informant. However, after investigation, the police have not sent up the appellants for trial. The learned Magistrate accepted the final form submitted by the police. However, the protest petition filed in the case was treated as a complaint case and the prayer for anticipatory bail has been refused by the learned court below in the Complaint Case No. 81 of 2018.

Considering the facts aforesaid, the appellants deserve protection of law to prevent the miscarriage of justice, hence, 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)

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