

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4953 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- BHAGWANGANJ District- Patna

1. ARBIND SINGH @ ARBIND KUMAR @ ARAVIND SINGH, Son of Vakil Singh, Resident of Lakhnaur, P.S. - Bhagwanganj, District - Patna.
2. Kamlesh Kumar @ Kamlesh Kumar Nirala, Son of Suresh Singh, Resident of Lakhnaur, P.S. - Bhagwanganj, District - Patna.
3. Dharmendra Kumar, Son of Motilal Singh, Resident of Lakhnaur, P.S.- Bhagwanganj, District - Patna.
4. Vinay Singh @ Vinay Kumar, Son of Tejbali Singh, Resident of Lakhnaur, P.S. - Bhagwanganj, District - Patna.
5. Pinku Kumar, Son of Mahesh Singh, Resident of Peti Bigha, P.S. - Bhagwanganj, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rajani Kant Mishra, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, 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 26.09.2019 in A.B.P. No. 7389 of 2019 passed by the learned 20th Additional Sessions Judge-cum-Special Judge S.C./S.T., Patna in connection with Spl. Case No. 277 of 2019 arising out of Bhagwanganj P.S. Case No. 58 of 2019 registered under Sections 323, 325, 341, 448, 504, 506/34 of the Indian



Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

According to FIR, all the appellants entered into the house of the informant committed abuse and assault. The assault resulted in death of the father of the complainant.

Submission of learned counsel for the appellants is that other appellants Arbind Singh @ Arbind Kumar @ Aravind Singh, Dharmendra Kumar, Vinay Singh @ Vinay Kumar and Pinku Kumar have already surrendered in the case. Hence, their prayer for anticipatory bail is infructuos now.

Appellant No. 2 Kamlesh Kumar @ Kamlesh Kumar Nirala is an army man and false and concocted allegation is there, just to harass him.

Considering the facts that appellant no. 2 Kamlesh Kumar @ Kamlesh Kumar Nirala is an army man and no specific attribution is there against him, let the **appellant no. 2 Kamlesh Kumar @ Kamlesh Kumar Nirala**, in the event of his 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, the appeal is **partly allowed**.

(Birendra Kumar, J)

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