

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4965 of 2019

Arising Out of PS. Case No.-92 Year-2018 Thana- SC/ST District- East Champaran

1. Kishori Giri Son of Late Ramchandra Giri Resident of Village- Dhekahan, Laxman Tola, P.S.- Motihari Muffasil, District- East Champaran.
2. Kamal Giri @ Kamala Giri Son of Late Ramchandra Giri Resident of village- Dhekahan, Laxman Tola, P.S. Motihari Muffasil, District- East Champaran.
3. Gajendra Giri Son of late Ramchandra Giri Resident of village- Dhekahan, Laxman Tola, P.S. Motihari Muffasil, District- East Champaran.
4. Ranjeet Giri son of Kishori Giri Resident of village- Dhekahan, Laxman Tola, P.S. Motihari Muffasil, District- East Champaran.
5. Indrajeet Giri Son of Ramjanam Giri Resident of village- Dhekahan, Laxman Tola, P.S. Motihari Muffasil, District- East Champaran.
6. Neelam Devi @ Neelam Giri Wife of Ramjanam Giri Resident of village- Dhekahan, Laxman Tola, P.S. Motihari Muffasil, District- East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 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 bail by order dated 17.09.2019 in ABP No.2230 of 2019 in connection with SC/ST Motihari P.S.Case No.92 of 2018 by the learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari, under Sections 147, 149, 341, 323,



379, 354(B), 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s)(a) and (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Submission is that after investigation, the police did not found the allegation true and submitted report accordingly under Section 173 of the Cr.P.C. However, the learned Special Judge has differed with the police report and took cognizance of the matter.

Considering the nature of allegation and the fact that the allegation was not found true by the police. This is not a fit case wherein the appellants should be asked to surrender and go to jail, hence, let the above named appellants, 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 anticipatory bail on furnishing bail bond of Rs.20,000/- (twenty thousand) each 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 appellants shall fully cooperate with the investigation/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 this
appeal stands allowed.

(Birendra Kumar, J)

B.Kr./-

U		T	
---	--	---	--

