

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4948 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- KASHICHAK District- Nawada

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RISHU KUMAR @ RISHAV KUMAR, Son of Sanjay Singh, Resident of
Village - Parwati, P.S. - Kashichak, District - Nawada

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Devendra Prasad Singh

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-01-2020

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 03.07.2019 in A.B.P. No. 831 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Nawada in connection with Kashichak P.S. Case No. 05 of 2019 registered under Sections 341, 323, 504/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

The FIR discloses that the occurrence took place for the reason that children of the two family had quarreled in the school and when the matter was complained subsequent general and omnibus allegation of assault is there.



Submission is that a perusal of the FIR would reveal that the occurrence did not take place for the reason that the informant was a member of the scheduled caste, rather it is alleged under a different background of quarreling of the children of the two family in the school.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the aforesaid facts, 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/- (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 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 appellant.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.



(c) The appellant shall not leave the county without permission of the learned trial court.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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