

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5041 of 2019

Arising Out of PS. Case No.-48 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

MD. INSANUL HAQUE @ INSADUL HAQUE @ RUDAL MIYAN @ MD.
HUSSAIN @ HUSSAIN MIYAN Son of Wakil Miyan Resident of Village -
Gopalpur Agarwa Ward No. 32, P.S.- Town Motihari, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 04-02-2020

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 against the refusal of prayer for anticipatory bail vide order dated 21.09.2019 by the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST/POCSO, West Champaran, Bettiah in SC/ST (Bettiah) P.S. Case No. 48 of 2018 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Sections 3(1)(r)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Others allegedly committed assault and allegation against the appellant is of commission of theft of Rs.41,000/-



from the pocket of the informant.

Submission is that no offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant and other accused namely Jainullah Khatoon, Rehana Khatoon and Serajul Miyan have been allowed anticipatory bail by a co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 4922 of 2019.

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 bail, on furnishing bail bonds of Rs. 20,000/- (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 Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) 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.

(c) The appellant shall not leave the country without



permission of the trial Court.

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

(Birendra Kumar, J)

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