

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5008 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- BHARGAMA District- Araria

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1. CHANDRA MOHAN MISHRA, Son of Late Jay Krishna Mishra @ Tetro Mishra
 2. Sita Ram Mishra, Son of Chandra Mohan Mishra
 3. Gulabi Devi @ Gulab Mishra, Wife of Chandra Mohan Mishra, All Resident of Village - Shankarpur Ward No - 5, P.S. - Bhargama, District - Araria
- Appellant/s
- Versus
- The State of Bihar
- Respondent/s
-

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-02-2020

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. 1918 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Araria in connection with Special SC/ST Case No. 150 of 2019 arising out of Bhargama P.S. Case No. 163 of 2019 registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(r) of the SC/ST Act.

Submission is that Title Suit No. 02 of 2011 brought by



the appellants and others against informant of this case and others is going on in the court of learned Civil Judge, Senior Division, Araria. In the aforesaid background, the false FIR has been lodged which would show that offences of the Indian Penal Code alleged against the appellants are bailable.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the facts aforesaid, let the appellants, above named, 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 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 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)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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