

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5070 of 2019**

Arising Out of PS. Case No.-22 Year-2019 Thana- MAIN P.S. District- Gaya

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1. BIRENDRA YADAV, Son of Chandeshwar Yadav
 2. Sarjan Mahto @ Sajan Mahto, Son of Late Indradeo Mahato
 3. Arvind Mahto, Son of Late Kapil Mahto
 4. Sonu Kumar, Son of Raghubanch Mahto, all Resident of Village - Sonwarsha, P.S. - Main, Dist. - Gaya
- Appellant/s
- Versus
- The State of Bihar
- Respondent/s
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Appearance :

For the Appellant/s : Mr. Prithivi Raj Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 20-02-2020 There is delay of 12 days in filing of this appeal against refusal of the prayer for anticipatory bail. The delay is explained in I.A. No. 01 of 2019. Hence, for substantial justice, the delay is condoned.

Accordingly, I.A. No. 01 of 2019 stands disposed.

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 19.07.2019 in A.B.P. No. 179 of 2019 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Main P.S. Case No. 22 of 2019 registered under Sections



341, 354, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(f) of the SC/ST Act.

Co-accused *Ankaj Kumar* and *Satish Kumar* have already been allowed anticipatory bail by a Coordinate Bench of this Court vide order dated 18.09.2019 passed in Cr. Appeal (SJ) No. 3115 of 2019 and allegation against the appellants is of identical footing.

Hence, let the appellants, above named, in the event of their 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 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 learned 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)

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