

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5010 of 2019

Arising Out of PS. Case No.-494 Year-2017 Thana- BARBIGHA District- Sheikhpura

1. AZIM SHAH Son of Late Suleman Shah Resident of Village - Mali Chak, P.S.- Barbigha, District- Sheikhpura
2. Chimpi Shah Son Azim Shah Resident of Village - Mali Chak, P.S.- Barbigha, District- Sheikhpura
3. Arbi Sah @ Arvi Shah Son of Azim Shah Resident of Village - Mali Chak, P.S.- Barbigha, District- Sheikhpura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar, Advocate.

For the Respondent/s : Mr.Sadanand Paswan, 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 24.09.2019 by the learned 1st Addl. Sessions Judge, Sheikhpura SC/ST Case No. 292 of 2017 arising out of Barbigha P.S. Case No. 494 of 2017 registered under Sections 448, 323, 341, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. would reveal that informant came to know



that the appellants had stolen away the goat of the informant. For the aforesaid reason, subsequent occurrence of abuse and assault took place wherein the appellants were participants.

Considering the fact that no direct material is there to substantiate that the appellant had committed any offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 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 bail, on furnishing bail bonds of Rs. 20,000/- (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 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 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.

(c) The appellants 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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