

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5115 of 2019

Arising Out of PS. Case No.-825 Year-2019 Thana- NAWADA District- Nawada

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1. SANJU DEVI Wife of Mithlesh Malakar
 2. Mahendra Malakar Son of Late Sarju Malakar
Both Resident of Village - Rani Hati, P.S.- Nawada Nagar (Kadirganj O.P.),
District- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Ranjan, Advocate

For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 19-02-2020 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 17.10.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Nawada, in connection with Nawada Nagar (Kadirganj O.P.) Police Station Case No.825 of 2019, registered under Sections 341/323/324/308/504/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR prima facie discloses commission of



offence under the SC/ST Act by the FIR named accused persons including the appellant Mahendra Malakar.

Hence, appellant Mahendra Malakar is not entitled for anticipatory bail. Therefore, he may surrender and pray for regular bail. The prayer shall be considered without being prejudiced by the order of this Court.

Appellant No.1 Sanju Devi is a female and there is no specific allegation against her.

Considering the special protection of law given to the females in the matter of consideration of grant of anticipatory bail, let her, in the event of her 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 Code of Criminal Procedure as well as condition that 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.

The appellant shall not leave the country without



permission of the trial Court.

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

(Birendra Kumar, J)

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