

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5111 of 2019

Arising Out of PS. Case No.-213 Year-2018 Thana- SONBERSA District- Sitamarhi

1. RAHUL KUMAR, Son of Sitaram Sah, Resident of Village - Jamuaha @ Jamuraha, P.S.- Sonbarsa, District - Sitamarhi.
2. Raja Purvey @ Raja Purve Son of Chandeshwar Purve Resident of Village - Bandarjhula, P.S.- Sonbarsa, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alok Kumar Alok, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, 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 16.10.2019 in A.B.P No. 1869 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Sitamarhi in connection with Sonbarsa P.S. Case No. 213 of 2018 registered under Sections 341, 323, 354(B), 504 of the Indian Penal Code as well as Section 3(1)(r) of the SC/ST Act.

Submission is that appellants are not named in the FIR and specific allegation is against FIR named accused Satish Kumar.

Learned Special Public Prosecutor opposed the prayer for bail.



Considering the aforesaid fact, 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.
Uploading Date	07.02.2020
Transmission Date	07.02.2020

