

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5251 of 2019

Arising Out of PS. Case No.-378 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

SANTOSH SINGH S/o Lal Bihari Singh R/o village- Semariya, P.S.-
Mohania, District- Kaimur (Bhabua)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh, Advocate.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-02-2020 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 21.10.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Kaimur at Bhabua in A.B.P. No. 913 of 2019, arising out of Mohania P.S. Case No. 378 of 2019 registered under Sections 341, 323, 307, 354, 379 and 504/34 of the Indian Penal Code and Sections 3(1)(r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that the F.I.R. does not reveal that the appellant had knowledge that the informant was member of the Scheduled Caste. Informant was resident of different place and



he was not known to the appellant nor appellant was known to him.

Considering the aforesaid facts as well as the fact that there is case and counter case, appellant deserves anticipatory bail. Learned court below has wrongly held that prayer for anticipatory bail is not applicable in view of the bar under Section 18 of the Act. The ingredients of the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not attracted in this case on bare perusal of the F.I.R. Hence let the appellant, above named, in the event of his 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 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 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.

(c) The appellant 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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