

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5344 of 2019

Arising Out of PS. Case No.-528 Year-2018 Thana- MASAUDHI District- Patna

RAJA KUMAR @ RAJ KUMAR Son of Ramesh Prasad @ Ramesh Ram
Resident of Village - Daudpur, P.S.- Masaurhi, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deovind Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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 07.11.2019 by the learned Additional Sessions Judge XX-cum-Special Judge (S.C./S.T. Act), Patna, in Special Case No.376 of 2018, arising out of Masaurhi Police Station Case No.528 of 2018 registered under Sections 147/148/149/341/323/504/506/379/448 of the Indian Penal Code, Section 27 Arms Act and Sections 3(i)(w)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that none of the allegation is specific against several persons named in the FIR. Hence, charge under



Section 323 or 379 or 504 or 506 of the Indian Penal Code cannot be framed with the aid of Section 34 or 149 of the Indian Penal Code.

Considering the fact that there is no direct allegation against any of the appellant for the aforesaid offences, 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 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 allowed.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

