

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5371 of 2019**

Arising Out of PS. Case No.-195 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

1. SANJAY DAS Son of Bijay Das @ Bijay Ravidas
2. Rajiv Das Son of Bijay Das @ Bijay Ravidas
Both Resident of Mohalla - Sakrullachak, P.S.- Mojahidpur (Babarganj),
District - Bhagalpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiwesh Chandra Mishra, Advocate
For the Respondent/s : Mrs. Usha Kumari I, 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 29.08.2019 by the learned 3rd Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Bhagalpur, in Mojahid (Babarganj) Police Station Case No.195 of 2019, registered under Sections 147/148/149/ 342 /324 /302 / 326 of the Indian Penal Code and Sections 3(i) (r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The assailants of the husband of the informant are



Ramesh Choudhary and Sudhir Choudhary. The appellants were only members of the unlawful assembly.

Considering the fact that no specific overt-act is alleged against the appellants, 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 Code of Criminal Procedure as well as condition that 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.

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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