

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5197 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- DHAMDAHA District- Purnia

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UMESH RAM @ UMESH KUMAR RAM Son of Kishun Ram Resident of
Village- Bishunpur, P.S.- Dhamdaha, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-02-2020 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 05.11.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Purnea in A.B.P. No. 77 of 2019/C.I.S. No. 77 of 2019, arising out of Dhamdaha P.S. Case No. 252 of 2019 registered under Sections 364/34, 302, 201 and 120B of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to the F.I.R., four persons including the appellant took the husband of the deceased for a panchayati and thereafter on the next day dead body of the husband of the



informant was noticed. Hence suspicion is there that the persons who had taken the deceased with them have committed murder.

Learned counsel for the appellant submits that appellant is also a member of the scheduled caste. There is no other witness before the police during investigation that the appellant was seen along with the deceased rather three other named persons were seen along with the deceased and the appellant was noticed going alone on a motorcycle.

Learned counsel for the informant opposed the prayer for bail on the ground that some others have been refused prayer for anticipatory bail by this Court.

Learned counsel for the appellant submits that those accused were not member of the scheduled caste.

Considering the aforesaid facts, 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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