

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5346 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- SC/ST BETTIAH District- West
Champaran

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1. RAJESH KUMAR GUPTA Son of Prannath Sah
 2. Mahendra Sah Son of Prannath Sah
 3. Sheela Devi Wife of Rajesh Kumar Sah
 4. Satyam Kumar Sah @ Satyam Kumar Son of Rajesh Kumar Sah
- All are Residents of Village - Vishwash (Sirisiya), P.S.- Sirisiya, District-
West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, 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 04.11.2019 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T/POCSO Act), Bettiah, West Champaran, in A.B.P. No.2537 of 2019, arising out of Bettiah SC/ST Police Station Case No.9 of 2019 registered under Sections 341/323/354A/379/504/506/34 of the Indian Penal Code and Sections 3(i)(r)(w)(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The offences of the Indian Penal Code alleged against



the appellants are bailable. Dispute for demarcation of land is going on between the parties. After investigation the police did not send up the appellants for trial. The aforesaid material is sufficient to protect the constitutional right of the appellants.

Hence, 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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