

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5329 of 2019

Arising Out of PS. Case No.-405 Year-2015 Thana- NAUTAN District- West Champaran

Amit Kumar Dubey Son of Baliram Dubey Resident of Village - Jhakhara,
P.S.- Jagdishpur, 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

4 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 30.09.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Bettiah, West Champaran, in connection with Nautan Jagdishpur Police Station Case No.405 of 2015, registered under Sections 147/148/149/353/ 338 /341 /431 /504 / 506 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant, who is a member of the scheduled caste, is resident of a quite different district and he was posted



as Officer-in-Charge in Nautan Jagdishpur police station.

Allegation is that a mob consists of the students and teachers of a school had blocked the road traffic. When the informant and others went to remove the obstruction, the mob allegedly abused and misbehaved with the informant.

There is no material to substantiate that the appellant had knowledge that the informant is a member of the scheduled caste. The allegation is general and omnibus. The appellant was identified as a member of the mob.

Considering the entire 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 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)

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