

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5267 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- KAUWAKOL District- Nawada

BANTU YADAV @ BANTU KUMAR YADAV Son of Dukhi Yadav
Resident of Village - Narayanpur, P.S.- Shikandra, Distt - Jamui.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

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 21.11.2019 by the learned 1st A.D.J. cum Special Judge, SC/ST Act, Nawada in Kauwakol P.S. Case No. 148 of 2019 registered under Sections 363, 364, 302, 201 and 120B of the Indian Penal Code and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. is of occurrence of kidnapping of the brother of the informant. F.I.R. is against unknown. Subsequently, dead body of the victim was found and a case under Section 302 IPC was also added in the F.I.R.



Submission is that besides confessional statement of co-accused, there is no other material against the appellant nor appellant has got any criminal antecedent. The ingredients of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not attracted against the appellant. Hence, Court below has wrongly held that prayer for anticipatory bail is barred under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Finding substance in the submission aforesaid and the fact that there is no direct material against the appellant, 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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