

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5459 of 2019

Arising Out of PS. Case No.-300 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

RAJANI KANT CHAUDHARY Son of Sri Ramashankar Mallah Resident of
Village - Diyan, Police Station - Mohaniya, District - Kaimur (Bhabua).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Yogendra Kumar, Advocate.

For the Respondent/s : Mr.Binay Krishna,spl.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 25-02-2020 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 29.07.2019 passed by the learned 1st Additional Session Judge 1st- cum- Special Judge (SC/ST Act), Kaimur at Bhabua in A.B.P. No. 715 of 2019, arising out Mohania P.S. Case No. 300 of 2019 registered under Sections 341, 504, 506, 323, 325 of the Indian Penal Code and Sections 3(i)(r)(s)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989.

There is delay of 29 days in filing of this appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against refusal of the prayer for anticipatory bail.



The delay is explained in I.A. No. 1 of 2020.

Hence, for substantial justice, the delay is condoned.

It appears that considering the bona fide land dispute between the parties, a coordinate Bench has granted anticipatory bail to seven co-accused persons in Criminal Appeal (SJ) No. 4431 of 2019, a copy of the order at Annexure-3. Offences of the Indian Penal Code lodged against the appellant are mostly bailable.

Considering the aforesaid facts, let the appellant, 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/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the following conditions:-

(a) 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.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellant shall not leave the country without



permission of the learned trial court.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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