

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5272 of 2019

Arising Out of PS. Case No.-15 Year-2018 Thana- SC/ST District- Bhagalpur

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1. ANAND KUMAR @ GOPAL KUMAR Son of Shankar Mandal Resident of Quarter No. 92A, Railway Colony, Near Ulta Pool, Bhagalpur, P.S.- Mojahidpur, District - Bhagalpur.
 2. Aman Kumar @ Nepal Kumar Son of Shankar Mandal Resident of Quarter No. 92A, Railway Colony, Near Ulta Pool, Bhagalpur, P.S.- Mojahidpur, District - Bhagalpur.
 3. Sonu Kumar @ Golu Son of S.N. Singh Resident of Quarter No. 70A, Railway Colony, Near Ulta Pool, Bhagalpur, P.S.- Mojahidpur, District - Bhagalpur.
 4. Santosh Kumar Son of Babloo Mahto Resident of Quarter No. 70A, Railway Colony, Near Ulta Pool, Bhagalpur, P.S.- Mojahidpur, District - Bhagalpur.
 5. Rajjo Kumar Son of Janardan Mandal Resident of Mohalla - Naya Tola (Koiri Tola), P.S.- Mojahidpur, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tarun Prasad Mandal, Advocate.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

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 16.11.2019 by the learned 3rd Addl. Sessions Judge cum Special Judge (SC/ST Act), Bhagalpur in A.B.P. No. 2259 of 2019, arising out of Bhagalpur SC/ST P.S. Case No. 15 of 2018 registered under Sections 147,



149, 341, 323, 504 and 506 of the Indian Penal Code and Sections 3(1)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The same informant had filed complaint case no. 1850 (C) of 2018 before the Chief Judicial Magistrate, Bhagalpur for the occurrence of the same day which is mentioned in the present F.I.R. against the appellants. The complaint petition was dismissed on 17.07.2019. For the same occurrence, an F.I.R. was lodged which is the present one wherein prayer for anticipatory bail is there. The offences of Indian Penal Code alleged against the appellants are bailable.

Considering the facts aforesaid, let the appellants, above named, who have got no criminal antecedent except the complaint case filed by the same informant, to prevent the miscarriage of justice, 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 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 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.

(c) 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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