

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5375 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- SC/ST District- Nalanda

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1. KANTI DEVI Wife of Abdhesh Noniya Resident of Village - Balwa Chak, P.S.- Silao, District - Nalanda.
 2. Binod Chauhan Son of Satain Chauhan Resident of Village - Balwa Chak, P.S.- Silao, District - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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 24.10.2019 passed by the learned 1st Additional Session Judge, Nalanda at Bihar Sharif passed in A.B.P. No. 2689 of 2019, arising out of SC/ST P.S. Case No. 46 of 2019 registered under Sections 341, 323, 307, 379, 448, 504, 506, 354(B), 349/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

No specific overt act is alleged against appellant No-2



Binod Chauhan in the complaint based FIR and allegation against appellant No-1 Kanti Devi is of commission of theft of ornament which is not a scheduled offence of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, therefore, bar of anticipatory bail under Section 18 of the Act is not applicable as there is no accusation of commission of offence under the SC/ST Act.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the aforesaid facts, 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/- (Rupees Twenty Thousand) each 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 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.

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



(c) The appellants 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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