

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5466 of 2019

Arising Out of PS. Case No.-49 Year-2018 Thana- SC/ST District- East Champaran

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1. MANISH THAKUR @ MANISH KUMAR Son of Ganesh Thakur Resident of Village-Bakhri Gopal Chhapra, P.S.- Kalyanpur, District- East Champran
 2. Avnish Thakur @ Avnish Kumar @ Avnish Kumar Son of Ganesh Thakur Resident of Village-Bakhri Gopal Chhapra, P.S.- Kalyanpur, District- East Champran
 3. Bachkun Devi @ Bachkun Thakur Wife of Ganesh Thakur Resident of Village-Bakhri Gopal Chhapra, P.S.- Kalyanpur, District- East Champran
 4. Poonam Devi Wife of Manish Thakur Resident of Village-Bakhri Gopal Chhapra, P.S.- Kalyanpur, District- East Champran
 5. Vibha Devi @ Vibha Kumari Wife of Avnish Thakur Resident of Village-Bakhri Gopal Chhapra, P.S.- Kalyanpur, District- East Champran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mrs.Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-02-2020 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 17.10.2019 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran, Motihari, in SC/ST Police Station Case No.49 of 2018, registered under Sections 341/323/354B/504/34 of the Indian Penal Code and Sections 3(i) (a)(d)(h)(r)(s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Accusation against the appellants is of commission of assault to a member of scheduled caste.

Learned counsel for the appellants submits that Title Suit No.29 of 2018 brought by the husband of the informant and others against the appellants and others is going on in the Court of learned Munsif, East Champaran, and just to pressurize in the civil suit concocted allegation is there in the FIR. Most of the offences of the Indian Penal Code alleged are either bailable or compoundable.

Learned counsel for the complainant opposed the prayer for anticipatory bail on the ground that there is direct accusation of commission of offence under the SC/ST Act. Therefore, prayer for anticipatory bail is barred.

I have gone through the judgment of the Hon'ble Supreme Court passed in **Prathvi Raj Chauhan Vs. Union of India and others.**

Considering the background of allegation, non-grant of protection to the appellants would amount to miscarriage of justice, 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/- (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 Code of Criminal Procedure as well as condition that 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.

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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