

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5698 of 2019

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

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1. BHUSHAN YADAV Son of Ram Swarup Yadav Resident of Village- Gharsanda, P.S.- Sikandra, District- Jamui.
 2. Pramod Yadav Son of Lakhan Yadav Resident of Village- Panchamahala, P.S.- Sikandra, District- Jamui.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vipin Kumar, Advocate.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-02-2020 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 passed by learned Additional District & Sessions Judge 1st -cum-Special Judge (SC/ST Act), Nawada in A.B.P. No. 1593 of 2019, arising out Kauakole P.S. Case No. 148 of 2019, registered under Sections 363, 364, 302, 201, 120(B) of the Indian Penal Code, 27 of Arms Act and Sections 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 appellants 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 appellants. 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.

It appears that similarly situated co-accused have been allowed bail by this Court in Cr. App (SJ) No. 5222 of 2019, Cr. App(SJ) No. 5243 of 2019 and Cr. App (SJ) No. 5266 of 2019.

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