

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5643 of 2019

Arising Out of PS. Case No.-55 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Hardev Chaudhary Son of Late Bauri Chaudhary Resident of Village- Pakiri Dixit, Tola- Bathna, P.S.- Kalyanpur, District- East Champaran.
 2. Sanjay Chaudhary Son of Hardev Chaudhary Resident of Village- Pakiri Dixit, Tola- Bathna, P.S.- Kalyanpur, District- East Champaran.
 3. Vijay Chaudhary Son of Hardev Chaudhary Resident of Village- Pakiri Dixit, Tola- Bathna, P.S.- Kalyanpur, District- East Champaran.
 4. Ajay Chaudhary Son of Hardev Chaudhary Resident of Village- Pakiri Dixit, Tola- Bathna, P.S.- Kalyanpur, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Das Son of Late Chanar Das Resident of Village- Jagdishpur Tola Bathna, P.S.- Kalyanpur, District- East Champaran.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 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 11.11.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), East Champaran at Motihari in A.B.P. No. 3129 of 2019, arising out of Kalyanpur P.S. Case No. 45 of 2018 registered under Sections 441, 323, 324, 315, 316, 37, 354B, 429 and 504/34 of



the Indian Penal Code and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In which final form was submitted but on protest cum complaint case No. C-55 of 2018 cognizance has been taken under Sections 147, 149, 323, 341, 315 and 504 of the Indian Penal Code and Section 3(1)(r)(s) of the SC/ST Act.

Appellants have stated on oath that they are also members of scheduled caste. Offences of the Indian Penal Code alleged against the appellants are mostly bailable.

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 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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