

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5571 of 2019

Arising Out of PS. Case No.-158 Year-2018 Thana- KARJA District- Muzaffarpur

1. SITARAM SAH Son of Late Nathuni Sah
2. Prem Sah @ Prem Chandra Sah Son of Late Asharfi Sah
3. Phul Kumari Wife of Sitaram Sah
4. Radha Devi Wife of Late Asharfi Sah
5. Gita Devi Wife of Ram Chandra Sah
6. Reena Devi Wife of Sanjay Kumar Sah
7. Vijay Sah @ Vijay Kumar Sah Son of Late Raja Ram Sah
8. Sushila Devi @ Kunti Devi Wife of Late Raja Ram Sah
All Resident of Village- Kana Dih, P.S.- Karja, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar Singh, Adv

For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 18.10.2019 in A.B.P. No.2561 of 2019(arising out of Karja P.S.Case No.158 of 2018) passed by the learned A.D.J.-6th-cum-Special Judge SC/ST, Muzaffarpur registered under Sections 147,148,149,427,380,504,506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

The offences alleged under the Indian Penal Code



are mostly bailable. Moreover, none of the members of the scheduled caste or scheduled tribe including the informant was present at the time of occurrence, hence, the informant was incompetent to say that the appellants were abusing by taking caste name and they committed other offences.

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 anticipatory bail on furnishing bail bond of Rs.20,000 (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further 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.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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