

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5569 of 2019

Arising Out of PS. Case No.-494 Year-2017 Thana- BARBIGHA District- Sheikhpura

1. MINTU SHAH, Son of Late Suleman Shah
2. Rizwan Shah, Son of Late Suleman Sah
3. Saddam Shah, Son of Rizwan Shah, All are Resident of Village - Malichak,
P.S.- Barbigha, Distt.- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.10.2019 in A.B.P. No. 530 of 2019 passed by the learned 1st Additional Sessions Judge, Sheikhpura in connection with SC/ST P.S. Case No. 292 of 2017 arising out of Barbigha P.S. Case No. 494 of 2017 registered under Sections 448, 323, 341, 504, 506/34 of the Indian Penal Code as well as Sections 3(2)(va)3(r)(s) of the SC/ST Act.

The FIR would reveal that informant came to know that the appellants had stolen away the goat of the informant.



For the aforesaid reason, subsequent occurrence of abuse and assault took place wherein the appellants were participants.

Considering the fact that no direct material is there to substantiate that the appellants had committed any offence, under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory 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 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 subject to the following conditions:-

(a) The appellants shall fully cooperate with the investigation/trial of the case, failing which the learned 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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