

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5686 of 2019

Arising Out of PS. Case No.-254 Year-2019 Thana- OBRA District- Aurangabad

Devi das Dubey Son of Akhilesh Dubey Resident of Village - Obra, P.S.-
Obra, District - Aurangabad.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Leelawati Kumari, Adv
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-02-2020 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 19.11.2019 in A.B.P. No.1385 of 2019 passed by the learned Additional Sessions Judge-VII-cum-Special Judge(Excise),Aurangabad in connection with Obra P.S.Case No. 254 of 2019 registered under Sections 341,323,324,379,504,34 of the Indian Penal Code as well as under Sections 3(i)(r)3(i)(S)/3(2)V of the Scheduled Castes and Scheduled Tribes Act and 37 (b)(c) of Bihar Prohibition and Excise Act, 2018.

According to FIR, the informant was abused and



assaulted by the appellant when informant intercepted in fight between the appellant and some other person. The informant and the appellant are residents of different villages. There is no material to substantiate that the appellant had knowledge of the caste of the informant nor this is a case of atrocity against a member of the scheduled caste and scheduled tribe. If the informant would not have interrupted, no occurrence as alleged against him could have been committed.

Considering the facts aforesaid, let the appellant, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 appellant shall fully cooperate with the investigation/trial of the case and also the appellant shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to



cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

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