

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5736 of 2019

Arising Out of PS. Case No.-120 Year-2018 Thana- SC/ST District- Araria

1. HARIBOL YADAV Son of Late Nunu Lal Yadav Resident of Village - Navtoliyaa, Ward No.5, P.S.- Raniganj, Distt.- Araria.
2. Pappu @ Pugesh @ Pugeshwar Yadav @ Pageshwar Yadav @ Umesh Yadav Son of Late Nunu Lal Yadav Resident of Village - Navtoliyaa, Ward No.5, P.S.- Raniganj, Distt.- Araria.
3. Nitiyanand Yadav @ Nityanand Yadav Son of Late Kishun Yadav @ Lalhu Yadav Resident of Village - Navtoliyaa, Ward No.5, P.S.- Raniganj, Distt.- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana,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 16.10.2019 passed by the learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Araria in A.B.P. No. 1997 of 2019, arising out Araria P.S. Case No. 262 of 2018 registered under Sections 147, 148, 323, 380, 354(B), 504/34 of the Indian Penal Code and Sections 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act,1989.



Appellant Nos. 1 and 2 are full brothers of the husband of the complainant. Title Suit No. 37 of 2013 is going on amongst the brothers for partition of the family property.

Submission is that just to pressurize the false case has been lodged by the informant who had entered into love marriage with the brother of the appellant.

Considering the background of the allegation, non-grant of protection to the appellants would lead to miscarriage of justice. Hence, 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/- (Rupees 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 following conditions:-

(a) 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.

(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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