

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5760 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- SC/ST District- Darbhanga

1. LAL RAIN @ LAL MOHAMAD Son of Late Muslim Rain Resident of Village- Pirhauri, P.S.- Ali Nagar, District- Darbhanga.
2. Akbar Rain @ Akbar Son of Late Muslim Rain Resident of Village- Pirhauri, P.S.- Ali Nagar, District- Darbhanga.
3. Md. Ali Imam @ Md. Alimam Son of Lal Rain Resident of Village- Pirhauri, P.S.- Ali Nagar, District- Darbhanga.
4. Begum Khatoon Wife of Ghulam Rasool Resident of Village- Pirhauri, P.S.- Ali Nagar, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha, Advocate.

For the Respondent/s : Mr.Usha Kumari , Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 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 6.11.2019 passed by the learned Additional District Judge 1st cum Special Judge (POA Act), Darbhanga in A.B.P. No. 1608 of 2019, arising out of Darbhanga SC/ST P.S. Case No. 4 of 2019 registered under Sections 147, 148, 149, 323, 354 of the Indian Penal Code and Sections 3(i)(r)3(1)(s) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities Act,1989.

Learned counsel for the appellants submits that a civil suit is going on between the parties and complaint based allegation would reveal that the offences of the Indian Penal Code alleged against the appellant are bailable.

Learned counsel for the informant submits that even if a civil suit is going on between the parties that does not give a license to the appellants to commit the offences against a member of the scheduled caste.

Considering the background of allegation non-grant of protection to the appellant 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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