

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5709 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

1. MD. RAHIMUDDIN
2. Md. Nayimuddin
3. Md. Kaiyum
4. Md. Rustam
5. Md. Naushad
All are sons of Mahammad Shekhawat, all Resident of Village - Balaha,
P.S.- Khanpur, Distt - Samastipur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Budhani Devi Wife of Ramdeo Ram Resident of Village - Balaha, P.S.-
Khanpur, Distt - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dilip Kumar Roy, Adv
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-01-2020

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 24.09.2019 passed in Complaint Case No.126 of 2019 by the learned 1st Additional Sessions Judge, Samastipur registered under Sections 323,341,354,504/34 of



the Indian Penal Code and Sections 3(1)(r)(s)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

The appellants are sons of Mohammad Shekhawat. Allegation in the complaint petition is that Mohammad Shekhawat was filling earth encroaching upon the Rasta of the complainant and when the complainant resisted occurrence of abuse and assault was committed by him.

Since the appellants are not named in the statement on oath made by the complainant, there is no material to compel the appellants to go to jail. 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 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 because the learned court below has not considered the aforesaid material on the record and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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