

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.42 of 2020

Arising Out of PS. Case No.-45 Year-2018 Thana- BARURAJ District- Muzaffarpur

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GOLU KUMAR Son of Arun Singh @ Arun Kumar Singh Resident of
Village- Bangari, P.S.- Baruraj, Distt- Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anish Kumar, Adv
For the Respondent/s : Mrs.Usha Kumari 1,APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 01-02-2021 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 17.10.2019 in A.B.P. No.2651 of 2019 passed by the learned Special Judge, SC/ST Act, Muzaffarpur in connection with Baruraj P.S.Case No. 45 of 2018 corresponding to G.R.No.53 of 2018/ Tr. No.531 of 2018 registered under Sections 341,323,307,379,34 of the Indian Penal Code and Section 27 of the Arms Act as well as under Sections 3(1)(S) of the Scheduled Castes and Scheduled Tribes Act.

Allegation of commission of assault is against



others where allegation against the appellant is of commission of theft of ornament and of firing in the air. Appellant has got no criminal antecedent.

Submission is that offence under Section 379 I.P.C. is not a scheduled offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, the said Act is not attracted against the appellant.

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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