

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2134 of 2020

Arising Out of PS. Case No.-996 Year-2019 Thana- SONEPUR District- Saran

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1. DHARMSHEELA DEVI, aged about 45 years (Female), wife of Ramesh Prasad Yadav.
 2. Ramesh Prasad Yadav, aged about 50 years (Male), son of Mishri Rai.
Both are resident of village - Chausia, P.S.- Sonpur in the District of Saran, Chapra.

... .. Appellants

Versus

The State of Bihar.

.. ... Respondent

Appearance :

For the Appellant/s : Mr.Braj Nandan Kumar Tiwary, Advocate

For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 24-02-2021 Heard learned counsel for the appellants and
learned Spl.P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the order dated 04.09.2020 passed by the learned A.D.J. 1st -cum-Special Judge, S.C. & S.T., Saran, in connection with Sonapur P.S. Case No.996 of 2019, registered for the offence under Sections 406, 420 and 506 of the Indian Penal Code and under Sections 3(i)(s) of the SC/ST Act, by which the Court below has rejected the prayer for anticipatory bail of the appellants.

Allegation has been made that vital portion of the land of the informant was sold by his agnates. When the informant went to make complaint, the appellants abused her by



taking his caste name.

Learned counsel for the appellants submits that the appellants are only the purchaser of the land and no such incident, as alleged, has taken place.

Looking to the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J., 1st-cum-Special Judge, S.C. & S.T., Saran at Chapra, in connection with Sonepur P.S. Case No. 996 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to further conditions that (i) one of the bailors shall be a close relative of the appellants and (ii) the appellant shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order dated 04.09.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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