

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5321 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- GOPALPUR District- West Champaran

1. ASHOK SAH Son of Late Hira Sah Resident of Village - Barkagaon, P.S.- Gopalpur, District - West Champaran.
2. Sabita Devi Wife of Ashok Sah Resident of Village - Barkagaon, P.S.- Gopalpur, District - West Champaran.
3. Kamlesh Sah Son of Late Hira Sah Resident of Village - Barkagaon, P.S.- Gopalpur, District - West Champaran.
4. Raju Sah @ Raju Kumar Son of Dhanai Sah Resident of Village - Barkagaon, P.S.- Gopalpur, District - West Champaran.
5. Umashankar Mahto Son of Gopal Mahto Resident of Village - Barkagaon, P.S.- Gopalpur, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra, Advocate.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 13-08-2021 Heard the parties in virtual Court.

Learned counsel for the appellants submits that the appeal is barred by limitation of 71 days. For condonation of delay, a separate petition vide I.A. No. 1 of 2020 has been filed.

For substantial justice, the delay is condoned.

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 14.06.2019 by the learned 1st



Addl. Sessions Judge cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in A.B.P. No. 1193 of 2019, arising out of Gopalpur P.S. Case No. 138 of 2018 registered under Sections 380, 452, 354B, 323, 342, 423, 504 and 506 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that the police has already submitted final form under Section 173 Cr.P.C. saying that the matter is of bonafide land dispute between the parties.

Considering result of the investigation, non-grant of protection to the appellants would amount to failure 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/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the 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 Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.



(b) 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.

(c) The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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