

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4968 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- SC/ST District- Begusarai

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PASHUPATI KUMAR @ RAVI @ RAVI KUMAR Son of Late Resham Kumar @ Rashan Kumar @ Resham Kumar Resident of Village- Pidhauili, P.S.- Teghra, and District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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with

CRIMINAL APPEAL (SJ) No. 4631 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- SC/ST District- Begusarai

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BASANT KUMAR Son of Pashupati Kumar @ Ravi Resident of Village - Pidhouli, P.S.- Teghra, and District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumari Devi Kamleshwari Paswan Res-Pidhauili,P.S-Teghra,Dist-Begusarai

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 4968 of 2019)

For the Appellant/s : Mr.Sabal Kumar Jha, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

(In CRIMINAL APPEAL (SJ) No. 4631 of 2019)

For the Appellant/s : Mr.Sabal Kumar Jha, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

For the Informant : Mr.Deep Nishi, Adv.

Mr.Deep Anshuman, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-01-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State through virtual court proceedings.

Both the appeals arise out of the same impugned order, as such, are being heard together.



These are appeals under section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 16.09.2019, passed by learned court of Special Judge, SC/ST (POA) Act, Begusarai, in connection with SC/ST P.S. Case No.35 of 2019, registered under sections 341, 323, 354(B), 509, 34 of the IPC and sections 3(1) w(1), 3(2)(va) of the SC/ST (POA) Act.

The prosecution case in short is that the informant had a cow which was brought from the co-villager Rajesh Kumar and was subsequently sold to the appellants for Rs.61,000/- but the said amount was not given to her and when she demanded the money, the appellants abused her by caste name and tried to outrage her modesty.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. They have been falsely implicated in the case. The appellants are father and son and there is no specific allegation against them. It is further submitted that the appellants are ready to pay Rs.61,000/- to the informant. Appellants have no criminal antecedent.



Learned Spl. PP for the State as well as learned counsel for the respondent have fairly submitted that if the amount of Rs.61,000/- is paid to the informant, then the appellants may be enlarged on bail.

Considering the facts and circumstances of the case, the appellant in both the cases, named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, SC/ST (POA) Act, Begusarai, in connection with SC/ST P.S. Case No.35 of 2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C, with a direction to the learned court below, that before accepting the bail bonds, the appellants shall deposit Rs.61,000/- (Rs.Sixty One Thousand) in the court below, which, the court below will release in favour of the informant.

Accordingly, the impugned order is set aside and the appeals are allowed.

(Anjani Kumar Sharan, J)

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