

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.862 of 2017

Arising Out of PS.Case No. -62 Year- 2016 Thana -LADANIA District- MADHUBANI

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1. Jitendra Sah, S/o Ram Chandra Sah.
 2. Ram Sewak Sah @ Sewak Saw, S/o Dasai Saw
 3. Om Sah, S/o Ram Avtar Sah

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha -Advocate
For the Respondent/s : Mr. Binay Krishna-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 24-04-2017 Heard learned counsel for the appellants as well as

learned Special Public Prosecutor.

It has been submitted on behalf of appellants that instant case has purposely been filed by the Member of a Scheduled Caste, who wants to cover his own misdeeds and further, such activity is found duly exposed as, for the same occurrence, two F.I.Rs. have been instituted, one at the end of husband Ranjit Ram bearing Ladania P. S. Case No.62 of 2016 wherein appellants have prayed for grant of an anticipatory bail and another by his wife Anita Devi, bearing Madhubani S.C./S.T. P. S. Case No.22 of 2016. It has also been submitted that from parallel scrutiny of contents of both the written report, it is apparent that both has got two different narrations which found



sufficient to over throw both the cases, which has purposely been filed in the background of institution of Ladanania P. S. Case No.63 of 2016 at the end of appellant, Jitendra Sah for the misdeeds which the prosecution party had committed. So, submitted that it is a fit case wherein appellants should be allowed to enjoy the privilege of anticipatory bail.

On the other hand, learned Special Public Prosecutor opposed the prayer and submitted that both the cases have got independent identity. However, after having institution of a case at the end of the appellant no.1, it has become crystal clear that occurrence took place on 22.06.2016 for which, there happens to be version and counter-version and further, for the present, no depth scrutiny is required to adjudicate upon which of two is the correct version. That being so, instant appeal is found non-maintainable.

Ranjit Ram had filed written report alleging inter alia that on 22.06.2016, appellant no.1 Jitendra Sah ordered him to remove, straw, which was protested by him and in the aforesaid background, all the family members came and began to assault. During course thereof, Ranjit Ram, his wife Anita Devi, his mother were assaulted as well as they were also abused by caste name.



As per prevailing settled principle of law reported in ***Bisheshwar Mishra and another vs. State of Bihar reported in 2016(4) P.L.J.R. 1058 (D.B.)***. Though prayer for anticipatory bail has been found non-entertainable, however, some sort of relaxation has been allowed to be exercised by the Court during course of identifying the allegation on its face in order to perceive whether a prima facie case under S.C./S.T. (Prevention of Atrocities) Act is made out or not and for that purpose, no depth scrutiny has been allowed.

That being so, instant appeal is found non-maintainable on account of presence of prima facie case coming out from the written report whereupon, is dismissed.

(Aditya Kumar Trivedi, J)

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