

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1214 of 2017

Arising Out of PS.Case No. -217 Year- 2016 Thana -SHEOHAR District- SHEOHAR

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1. Vijay Sah,
2. Ajay Sah,
3. Uday Sah, All sons of Gagandeo Sah, residents of Village- Kahtarba,
P.S.- Sheohar, District- Sheohar.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-05-2017

Heard learned counsel for the appellants.

The appellants have filed the instant appeal in terms of Section 14A(2) of the Scheduled Castes and Scheduled Tribes(Prevention of atrocities) Act against an order dated 1.3.2017 passed by the learned Additional District & Sessions Judge 1st – cum- Special Judge, SC/ST, Sheohar in Sheohar P.S. Case No.217 of 2016 registered for the offences under Sections 302, 201, 120(B)/34 of the I.P.C. and 3(2) (v) of SC/ST (Prevention of atrocities)Act whereby and whereunder prayer for anticipatory bail made on behalf of the appellants has been rejected.

Allegation, as per the F.I.R., is against the



appellants that they have killed the mother of the informant. The F.I.R. shows that the mother of the informant deserted her house of informant and started to live with the father of the appellants 20 years ago. Further allegation is that the informant was not informed about funeral of her mother and the appellants had cremated dead body. It has also been argued that there is no allegation that appellants had killed her.

It has been submitted on behalf of the appellants that they have been falsely implicated as they had no concern with the deceased Dipiya Devi who had been living separately with Gangadeo Sah as his spouse. There is no material on the record to show that any case is made out against the appellants. There is vague allegation against the appellants.

Heard learned Special P.P.also. Learned Spl..P.P. opposed the prayer for bail on the ground that anticipatory bail is not maintainable.

Having heard both sides and in view of the fact , as stated above,and as there is no evidence, constituting an offence under Section 3(2)(v) of S.C. and S.T. (PoA)Act let the appellants, above named, in the event of their arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- each with two sureties of the



like amount each to the satisfaction of Additional District and Sessions judge-1st-cum- Special Judge, SC/ST, Sheohar, in Sheohar P.S. Case No.217/16, subject to the conditions as laid down under Section 438(2) of Cr.P.C. Other conditions that (i) Bailers of the appellants should be their close relatives having sufficient immovable properties with the jurisdiction of the concerned court. (ii) The appellants will not induce any witness or tamper with the evidence. (iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason and without permission of the court, the prosecution is free to move for cancellation of their bail.

Accordingly, instant appeal is allowed. The impugned order dated 1.3.2017 passed by the learned Additional District & Sessions Judge,1st-cum-Special Judge,SC/ST, Sheohar in Sheohar P.S. Case No.217/16 is set aside.

(Vinod Kumar Sinha, J)

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