

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3129 of 2018

Arising Out of PS.Case No. -32 Year- 2016 Thana -SC/ST District- BANKA

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1. Pappu Sah, Son of Shailendra Sah @ Salendra Sah
 2. Chhotu Sah @ Abhinandan Sah, S/o Shailendra Sah @ Salendra Sah
 3. Anant Sah @ Anant Kumar Sah, Son of Shailendra Sah @ Salendra Sah
 4. Pritam Sah @ Pritam Kumar, Son of Shailendra Sah @ Salendra Sah
 5. Sudhanshu Sah @ Sudhanshu Kumar, S/o Pradeep Sah

All resident of village – Karanja, Police Station Shambhuganj, District
Banka

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

Heard learned counsel for the parties.

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 refusal of prayer for anticipatory bail vide order dated 25.06.2018 in A.B.P. No. 713 of 2018 passed by the learned 1st Additional Sessions Judge, Banka in connection with Banka SC/ST P.S. Case No. 32 of 2016 registered under Sections 341, 323, 354, 379, 504, 506 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

Both sides are neighbours. Earlier case was lodged by



appellant no. 1 Pappu Sah alleging therein that informant wanted to encroach upon the PCC public land in front of the house of the appellants and for that reason, informant and others had committed abuse and assault.

Identical allegation is there in the FIR of commission of abuse and assault.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the general and omnibus nature of allegation, the case and counter case between the parties and the statement of the appellants that they have got no criminal antecedent, 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/- (rupees 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 Code of Criminal Procedure as well as condition that 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 as well as condition that both the bailors shall be resident



of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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