

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3431 of 2018

Arising Out of PS.Case No. -56 Year- 2016 Thana -PIPRA District- EASTCHAMPARAN
(MOTIHARI)

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1. Srinivas Sahani,
2. Mithlesh Sahani, Both are Sons of Late Hari Sahani, R/o Vill.- Khairimal,
Malahi Tola, P.S.- Pipra, District- East Champaran. Appellant/s
Versus
1. The State of Bihar ... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Pandey, Adv
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 12-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 23.07.2018 in A.B.P. No.1987 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST, East Champaran in connection with Pipra P.S.Case No. 56 of 2016 registered under Sections 447, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

Submission is that murder of Hari Sahani, the father of the appellants was committed by the prosecution side and for that occurrence, Pipra P.S.Case No.55 of 2016 was lodged against the husband of the informant and others. Thereafter, just to save the skin, the present false case has been lodged



with general and omnibus allegation of commission of abuse, assault and theft.

Considering the background of allegation, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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