

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.609 of 2018

Arising Out of PS.Case No. -732 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Chanda Devi @ Chania Devi wife of RAMdeni Sah
2. Manju Devi son of Mahavir Sah
3. Mahindra Sah son of Late Yadunandan Sah
4. Jitendra Sah son of Rajendra Sah @ Rajindra Sah
5. Rajendra Sah @ Rajindra Sah son of Late Yadunandan Sah
6. Chandan Sah son of Rajendra Sah @ Rajindra SAH
7. Ramdeni Sah son of Late Yadunandan Sah
8. Indradip Sah son of Mahavir Sah , all residents of village Bankati
Bijulpur, P.S. Turkaulia, Distt. East Champaran.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 28-02-2018

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** by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T.) POA Act, East Champaran at Motihari in Anticipatory Bail Petition No. 111 of 2018 arising out of Turkaulia P.S. Case No. 732 of 2017 registered under Sections 341, 323, 324, 379, 435, 504/34 of the Indian Penal Code as well as Sections 3(x)(i) of the SC/ST Act.

There is general and omnibus allegation against the appellants to have abused the informant by taking his caste name.

Submission is that for land dispute, the informant is in the



habit of lodging one case after another under the provisions of SC/ST Act, just to pressurize the appellants. The earlier case was dismissed for non-prosecution vide Annexures 3 and 3/1. He further submits that to sustain charge under the provisions of SC/ST Act, the allegation must be specific.

Learned Special Public Prosecutor has opposed the prayer for bail.

Finding substance in the aforesaid submission, 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 bond 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 and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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