

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.3528 of 2017**

Arising Out of PS.Case No. -32 Year- 2017 Thana -SC/ST BETTIAH District-  
WESTCHAMPARAN (BETTIAH)

- =====
1. Rambhu Sah,
  2. Lalan Sah,
  3. Saryug Sah,
  4. Shambhu Sah, All are son of Babulal Sah and, R/o Village- Madhiya,  
P.S.- Balthar, District- West Champaran.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4 02-02-2018

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 1<sup>st</sup> Additional District & Sessions Judge-cum-Special Judge, Bettiah, West Champaran in Bettiah SC/ST P.S. Case No. 32 of 2017 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code as well as Section 3(1)(r)(ii)(V)(a) of the SC/ST Act.

For land dispute, arising at the grinder machine, appellant no. 1 Rambhu Sah is alleged to have abused the informant by taking his caste name in the public view. Hence, bar under Section 18 of the SC/ST Act is applicable for the purpose of



this appeal against appellant no. 1 Rambhu Sah.

Accordingly, prayer for anticipatory bail of the appellant no. 1 Rambhu Sah is not entertainable. In the event of surrender of the appellant no. 1 Rambhu Sah, the court below shall not prejudice by this order.

There is no such allegation against appellant nos. 2, 3 and 4, hence, let the appellant nos. 2, 3 and 4, 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 appellant nos. 2, 3 and 4 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 appellant nos. 2, 3 and 4.

Accordingly, this appeal stands disposed of.

**(Birendra Kumar, J)**

Kundan/-

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