

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 988 of 2018

Arising Out of PS.Case No. -425 Year- 2017 Thana -BRAHMPUR District- BUXAR

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1. Dhan Jee Sah, Son of Sajman Sah,
 2. Nand Ji Sah @ Nand Ji Prasad Sah, S/o Sajman Sah,
 3. Gopal Jee @ Gopal Jee Sah @ Gopal Jee Prasad Son of Late Bhajman Sah.
 4. Prabhu Jee Prasad @ Prabhu Jee Sah, Son of Late Bhajman Sah,
 5. Santosh Kumar @ Santosh Sah @ Santosh Prasad, Son of Late Bhajman Sah.
 6. Shashi Bhushan Sah @ Shashi Bhushan Prasad, Son of Satyadeo Sah. All are resident of Village - Arak, Bichla Tola, P.S. Krishna Brahm, District- Buxar.

.... Appellant/s

Versus

1. 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: 24-04-2018

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. Act, Buxar in Brahmpur P.S. Case No. 425 of 2017 registered under Sections 147, 149, 447, 341, 323, 354B, 379, 504, 506 of the Indian Penal Code as well as Section 3(i)(r)(s) of the SC/ST Act.

A civil suit is going on between the parties. In the aforesaid background, complaint was filed on 11.10.2017 for occurrence dated 09.09.2017 alleging therein that the appellants allegedly abused



the complainant by taking caste name. They also attempted to outrage the modesty of the female members of the family.

Submission is that the allegation is general and omnibus. Just to pressurize in the land dispute, the false case has been lodged.

Considering the facts and circumstances of this case, 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 and 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)

Kundan/-

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