

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3327 of 2018

Arising Out of PS. Case No.-84 Year-2018 Thana- MAJHAULIA District- West Champaran

1. Hari Sah S/o Late Sohan Sah
2. Sitarachand Sah S/o Dhruv Sah
3. Umesh Sah @ Ramesh Sah S/o Manohar Sah
4. Nanki Sah S/o Late Sohan Sah
5. Satan Sah S/o Bhikham Sah
6. Ghuran Sah S/o Late Sohan Sah
7. Manohar Sah S/o Nathuni Sah All residents of Village - Barwa,
P.S. Majhauria, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-10-2018

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 10.08.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran in A.B.P. No.1299 of 2018, arising out of Majhauria Police Station Case No.84 of 2018 registered under Sections 341, 323, 324, 379, 504/34 of the Indian Penal Code and Sections 3 (1)(r)/3(2)(va) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant No.1, *Hari Sah* and appellant No.6, *Ghuran Sah* have already been arrested. Hence, their prayer for anticipatory bail is infructuous now.

Allegation against the appellants is general and omnibus of commission of abuse and assault. The person against whom specific allegation is there are already in custody.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the facts aforesaid, especially the case and counter case between the parties and statement of the appellants that they have got no criminal antecedent, except case lodged by *Bhabhi* of the present informant of the case, let appellant No.2, *Sitarachand Sah*, appellant No.3, *Umesh Sah @ Ramesh Sah*, appellant No.4, *Nanki Sah*, appellant No.5, *Satan Sah* and appellant No.7, *Manohar Sah*, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

