

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3521 of 2018**

Arising Out of PS. Case No.-55 Year-2018 Thana- JANTA BAZAR District- Saran

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1. Prahalad Prasad @ Prahalad Sah, Son of Amar Sah.
  2. Dhananjay Kumar @ Dhananjay Sah, Son of Hajari Sah,
  3. Hajari Sah, Son of Late Shivnath Sah.
  4. Raju Kumar Thakur @ Raju Thakur, Son of Lakhan Thakur.
  5. Ravindra Sah, Son of Hajari Sah,
  6. Sonu Kumar Sah @ Sonu Sah, Son of Dev Kishun Sah.
  7. Dev Kishun Sah @ Deo Kusan Thakur, Son of Late Shiv Nandan Sah.
  8. Bhoja Sah, Son of Shivnan Sah.
  9. Gandhi Sah, Son of Shivnan Sah.
  10. Dharmendra Thakur, Son of Meghnath Thakur, All resident of Village Sanduar, P.S. Janta Bazar, District- Saran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Harsh Anuj, Advocate  
For the Respondent/s : Smt Usha Kumari No-1, SPP

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

**Date : 07-12-2018**

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 against the refusal of prayer for anticipatory bail vide order dated 06.08.2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge, Saran at Chapra, in A.B.P. No.2245 of 2018, arising out of Janta Bazar Police Station Case No.55 of 2018, registered under Sections



341/323/147/148/149/447/504 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is counter case and the FIR of the present case would reveal that dispute arose between the parties while they were watching a dance programme and for that dispute the occurrence of abuse and assault was allegedly committed. The allegation is general and omnibus and the appellants have stated on oath that they have got no criminal antecedent.

In the background of allegation, the chances of mala fide prosecution cannot be ruled out for the purpose of consideration of this anticipatory bail, hence, 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/- (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/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 the appeal is allowed.

**(Birendra Kumar, J)**

Mkr./-

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| AFR/NAFR          | NAFR       |
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