

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.867 of 2018

Arising Out of PS.Case No. -372 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Kishori Sah, son of Makai Sah,
 2. Shambhu Sah, son of Makai Sah,
 3. Amit Sah @ Amit Kumar, son of Kishori Sah,
 4. Ranjeet Kumar @ Jhuna Sah, son of Kishori Sah,
 5. Makai Sah, son of Late Bakula Sah, All Residents of Village- Fulwariya, P.S.-
Sugauli, District- East Champaran.

.... 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: 14-05-2018

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, Motihari in Sugauli P.S. Case No. 372 of 2017 registered under Sections 323, 341, 324, 307, 354B, 435, 379, 504, 506/34 of the Indian Penal Code as well as Section 3(i)(r)(s) of the SC/ST Act.

For land dispute, there is case and counter case. In



the occurrence, both sides have sustained injuries.

So far present FIR is concerned, specific allegation is against appellant no. 1 Kishori Sah of commission of assault with *farsa* causing injury at the head of Bundela Paswan.

Considering the nature of allegation against appellant no. 1 Kishori Sah as well as the fact that appellant no. 1 Kishori Sah had knowledge that his act might cause death, I am not inclined to enlarge him on anticipatory bail. Hence, prayer for anticipatory bail of the appellant no. 1 is refused.

Allegation against other appellants is general and omnibus of commission of abuse by taking caste name of the informant. Further allegation is against appellant no. 2 Shambhu Sah of attempt to outrage the modesty of the informant. Others allegedly committed theft and burnt the grains. The police did not find any sign of burn.

Learned counsel for the informant opposed the prayer for bail.

Considering the general and omnibus nature of allegation against other appellant nos. 2 to 5, let the appellant nos. 2 to 5, namely, Shambhu Sah, Amit Sah @ Amit Kumar, Ranjeet Kumar @ Jhuna Sah and Makai 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant nos. 2 to 5 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 to 5.

Accordingly, the impugned order is partly dismissed and partly allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	15.05.2018
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