

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4341 of 2018

Arising Out of PS. Case No.-129 Year-2018 Thana- KOTWA District- East Champaran

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1. Pramod Sahani, Son of Saryug Sahani
 2. Hari Shankar Sahani, Son of Saryug Sahani
 3. Santosh Sahani, Son of Hari Shankar Sahani
 4. Ram Chandra Sahani, Son of Hari Shankar Sahani
 5. Dilip Sahani, Son of Hari Shankar Sahani All Resident of Village
- Barkurwa (Barharwa Kala), P.S. Kotwa, Distt.- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, S.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 11.10.2018 in A.B.P. No. 2590 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Kotwa P.S. Case No. 129 of 2018 registered under Sections 147, 149, 341, 323, 354B, 379, 427, 504, 506 of the Indian Penal Code as well as Sections 3(i)(d)(r)(s) of the SC/ST Act.



Title Suit No. 12 of 2018 is going on between the parties wherein some of the appellants are plaintiffs and defendant Ganesh Sah is father of the husband of the informant of this case. In the background of aforesaid civil litigation, there is general and omnibus allegation against the appellants of commission of abuse and assault.

In the background of allegation chances of *mala fide* prosecution, for the purpose of consideration of this prayer for anticipatory bail, cannot be ruled out. Appellants have stated on oath that they have got no criminal antecedent.

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 anticipatory 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants as



well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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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