

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.485 of 2019**

Arising Out of PS. Case No.-220 Year-2017 Thana- MAHISHI District- Saharsa

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1. DILKHUSH SAH @ DILKHUSH AND ORS. S/o Saburi Sah Village-Bishanpur,p.s.-Mahesi district-Saharsa
 2. Sandeep Sah @ SANDEEP KUMAR S/o Saburi Sah Village-Bishanpur, p.s.-Mahesi district-Saharsa
 3. Bijal Sah S/o SatyaNarayan Village-Bishanpur,P.S-Mahesi,Distt.-Saharsa

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Neeraj Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT**

Date : 20-06-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 15.12.2018 passed by learned 1st Additional Session -cum- Special Judge, Saharsa in connection with Mahesi P.S. Case No. 220 of 2017 registered under Sections 341, 323, 324, 504 and 34 of the Indian Penal Code and Section 3(1)(s) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. In fact, the parties



are in litigating terms since long and there is case and counter case between the parties. No specific case is made out against the appellants. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions -cum- Special Judge, Saharsa in connection with Mahesi P.S. Case No. 220 of 2017 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

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