

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.639 of 2019**

Arising Out of PS. Case No.-13 Year-2014 Thana- SC/ST District- Darbhanga

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MAHENDRA SAH @ MAHENDRA SAHU @ GANDHI JEE Son of
Banarsi Sah Resident of Village- Hanuman Nagar, P.S.- Bahera (O.P.
Alinagar)

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ramchandra Jha Raman

For the Respondent/s : Mr.Binay Krishna

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**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 18.09.2019 passed by learned 1st Additional Session Judge -cum- Special Judge, (SC/ST POA) Act, Darbhanga in connection with Darbhanga P.S. Case No. 13 of 2014 registered under Sections 147, 341, 323, 447, 354, 332 and 384 of the Indian Penal Code and Section 3(1)(x), 3(1)(xi) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellant submits that the appellant is innocent and has not committed any offence. In fact, the occurrence took place on 08.03.2014 whereas the written report by the informant has been submitted before the police on 13.03.2014 i.e. after lapse of five days and after lapse of 20 days more, instant F.I.R. has been instituted without



explaining the plausible delay. As a matter of fact, the informant committed several illegal activities with respect to government fund and for which villagers have filed representation against the informant before the higher authority and disciplinary actions have also been taken against the informant which is evident from the Annexures- 2, 3, 4 and 5. No specific case is made out against the appellant. Hence, the appellant 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 his surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Session Judge -cum- Special Judge, (SC/ST POA) Act, Darbhanga in connection with Darbhanga P.S. Case No. 13 of 2014 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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