

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.596 of 2019

Arising Out of PS. Case No.-48 Year-2018 Thana- BALIGAON District- Vaishali

1. SHAMBHU SAH @ SHAMBHU SUMAN GUPTA, S/o Birsan Sah @ Birsun Sah @ Hari Nandan Sah
2. Birsan Sah @ Birsun Sah @ Hari Nandan Sah, S/o Rampat Sah, both residents of village-Agrel, P.S-Baligaon, District Vaishali

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Praveen Kumar, Advocate

For the Respondent/s : Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 26-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 2.1.2019 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Vaishali at Hajipur, in A.B.P. No. 2389 of 2018 filed by the appellants, by which learned Sessions Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Baligaon P.S.Case No. 48 of 2018, registered under Sections 147, 148, 149, 323, 324, 379, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is of abusing the informant by caste name in front of several persons and there is also allegation of assault against them.

Submission of learned counsel for the appellants is that due to land dispute they have been made accused in this case and no specific allegation of assault has been attributed against them so far assault is



concerned and the allegation of abusing by caste name is ornamental in nature.

Heard learned Special P.P. and learned counsel for the informant. They have opposed the prayer for anticipatory bail of the appellants.

Having heard both sides and in the facts and circumstances, this appeal is disposed of with a direction to the appellants to surrender within a period of six weeks from the receipt of this order and pray for regular bail, which shall be considered on the basis of submission made above as well as on the basis of materials available on the record and, if possible, to be disposed of on the same day.

(Vinod Kumar Sinha, J)

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Uploading Date	
Transmission Date	

