

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.613 of 2019

Arising Out of PS. Case No.-160 Year-2018 Thana- DARBHANGA District- Darbhanga

Ram Sahni S/o Sukhdev Sahni Resident of Village-Sivajee Nagar, ward no. 22, P.S-Town, District- Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 29-04-2019

Heard learned counsel for the appellant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 22.01.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge (SC/ST POA, Act), Darbhanga in Town P.S. Case No. 160 of 2018 registered under Sections 447, 341, 323, 324, 307, 427, 379/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Co-accused Shyam Sahni slated the informant in the name of his caste and on the order of Santosh Sahni, he gave



Dabiya blow on his head and when he fell down, the petitioner gave Dabiya blow on both hands of the informant inflicting cut injury there.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case. There is case and counter case between the parties. As a matter of fact, Shyam Sahni has married with niece of the informant, namely, Manju Kumari over which some occurrence took place and Shyam Sahni has lodged case against the informant and others, and as counter blast, the informant has filed this false and frivolous case against the appellant and Shyam Sahni. The injury found on the person of the informant is simple in nature. Appellant has no criminal antecedent and has been languishing in custody since 10.01.2019. Said Shyam Sahni @ Shyam Kumar Sahni has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.02.2019 passed in Cr. Appeal (SJ) No. 4699 of 2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on



furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST POA, Act), Darbhanga in Town P.S. Case No. 160 of 2018.

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

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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