

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.886 of 2019**

Arising Out of PS. Case No.-350 Year-2018 Thana- BAKHARI District- Begusarai

1. Khatar Sah @ Khattar Sah S/o Late Bhatu Sah R/o Village- Khakhrua, P.S.- Bakhari, District- Begusarai.
2. Santosh Sah S/o Khattar Sah R/o Village- Khakhrua, P.S.- Bakhari, District- Begusarai.
3. Anita Devi W/o Shrawan Sah R/o Village- Khakhrua, P.S.- Bakhari, District- Begusarai.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Yogesh Kumar
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 14-08-2019 Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.2-Santosh Sah submitting that the said appellant has been apprehended during the pendency of this appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn as against appellant no.2.

Heard learned counsel for the appellant nos.1 & 3 and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 30.01.2019 passed by learned Special Judge SC/ST Act, Begusarai in connection with Bakhari P.S. Case No. 350 of 2018 registered under Sections 341, 323, 307 & 302 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Son of the informant was the tractor driver of Shrawan Sah and his wages was due to said Shrawan Sah. On the date of occurrence when he arrived at the house of Shrawan Sah for his due wages he started slating him and all the named accused persons assaulted his son which proved fatal to him.

It is submitted by learned counsel for the appellant no.1 & 3 that no such occurrence as alleged ever took place. They have been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant does not happen to be eye witness of the occurrence. The independent witnesses, who happens to be eye witnesses of the occurrence, in paragraphs-15, 16, 17 & 18 of the case diary have stated that appellants standing at the P.O. were intervening the



assault by Shrawan Sah & were calling the people intervene the occurrence. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Begusarai in connection with Bakhari P.S. Case No. 350 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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