

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.882 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- PATEPUR District- Vaishali

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1. Raj Narain Sahni @ Raj Narayan Sahani Son of Ram Dayal Sahni R/o village- Ashma , P.S- Patepur, District- Vaishali
 2. Jairam Sahani Son of Dukha Sahni R/o village- Ashma , P.S- Patepur, District- Vaishali
 3. Mina Devi Wife of Raj Narain Sahni @ Raj Narayan Sahani R/o village- Ashma , P.S.- Patepur, District- Vaishali
 4. Dukhni Devi Wife of Dukha Sahni R/o village- Ashma , P.S- Patepur, District- Vaishali

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Singh
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 10-05-2019

Heard learned counsel for the appellants 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 against the refusal of prayer for bail vide order dated 15.12.2018 passed by learned 1st Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in Patepur P.S. Case No. 148 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code and Section 3(1) (5)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant Raj Narain Sahni and Jairam Sahani along with other accused persons are said to have assaulted the father of the informant by means of lathi and danda and accused Chandradeep Sahni assaulted by means of iron rod on the head of the father of the informant resultantly his ear and mouth were bleeding.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case. The allegation levelled against the appellants are not specific rather general and omnibus in nature. The specific allegation is against the accused Chandradeep Sahni of assaulting on the head of the father of the informant by means of iron rod which proved fatal. The doctor has also found only one head injury on the person of the deceased and has opined the cause of death due to comma following brain injury. The appellant nos.1 & 2 have no criminal antecedent and have been languishing in custody since 01.09.2018. Appellants nos. 3 & 4 have already been enlarged on bail by a coordinate Bench of this Court vide order dated 29.03.2019.



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

In the facts and circumstances of the case, appellant no.1-Raj Narain Sahni @ Raj Narayan Sahani and appellant no.2-Jairam Sahani are directed to 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 1st Addl. Sessions Judge cum Special Judge , Vaishali at Hajipur in connection with Patepur P.S. Case No.148 of 2018.

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

(Prakash Chandra Jaiswal, J.)

Trivedi/-

AFR/NAFR	NAFR
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