

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1106 of 2019**

Arising Out of PS. Case No.-202 Year-2018 Thana- RAJEPUR District- East Champaran

1. Daroga Sahani Son of Late Ram Sewak Sahani
2. Hari Sahani Son of Late Ram Sewak Sahani
3. Kamlesh Sahani Son of Late Sita Ram Sahani
4. Shyambabu Sahani Son of Laxman Sahani

All Resident of Village - Tajpur Saraiya, P.S.- Rajepur, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 28-03-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 19.02.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in ABP No. 203 of 2019 arising out of Rajepur P.S.Case No. 202 of 2018 registered under Sections 323, 341, 379, 504 and 506/34 of the Indian penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Allegation against the appellants is of threatening and abusing the informant to leave the place as he belongs to Scheduled Caste and he is not allowed to live here.

Submission of learned counsel for the appellants is that no specific allegation has been attributed against the appellants and there is land dispute between the parties from before.

Heard learned Spl. P.P also who has opposed the prayer for anticipatory bail on the ground that there is specific allegation against the appellant no. 2 that he has abused and asked the informant to leave the place as he belongs to Scheduled Caste.

Having heard both sides and in view of the facts and circumstances, as stated above, so far as appellant no. 2 is concerned, I am not inclined to grant privilege of anticipatory bail to him rather he should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far as other appellants i.e, appellant nos. 1, 3 and 4 are concerned, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail



upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each 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, East Champaran at Motihari in ABP No. 203 of 2019 arising out of Rajepur P.S.Case No. 202 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to appellant nos. 1, 3 and 4.

(Vinod Kumar Sinha, J)

suji/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

