

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1063 of 2019

Arising Out of PS. Case No.-189 Year-2015 Thana- KALYANPUR District- East Champaran

1. Harichandar Sah Son of Late Prayag Sah
2. Pappu Sah Son of Harichandar Sah
3. Hasan Devi Wife of Vishwanath Sah
4. Gena Sah Son of Late Shiv Narayan Sah
5. Binda Sah Son of Late Shiv Narayan Sah
6. Achhchelal Sah Son of Babu Ram Sah
7. Asha Devi Wife of Achhchelal Sah

All are Residents of Village - Kalyanpur, P.S.- Kalyanpur, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Tiwari

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 10-04-2019

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 15.12.2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran, Motihari in ABP No. 2226 of 2018 arising out of Kalyanpur P.S.Case No. 189 of 2015 registered under Sections 147, 148, 149, 307, 323, 324 and 447 of the Indian penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is of assaulting to the



informant and abusing by caste name.

Submission of learned counsel for the appellants is that dispute arose with respect to digging of earth and no specific allegation has been attributed against any of the appellants and injury is simple in nature.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, 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, Motihari in ABP No. 2226 of 2018 arising out of Kalyanpur P.S.Case No. 189 of 2015; 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 them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

