

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1230 of 2019

Arising Out of PS. Case No.-258 Year-2017 Thana- SURSAND District- Sitamarhi

SONU KUMAR Son of Late Vindeshwar Sah Resident of Village - Sursand
Ashok Chawk, P.S.- Sursand, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1250 of 2019

Arising Out of PS. Case No.-258 Year-2017 Thana- SURSAND District- Sitamarhi

Anil Kumar @ Anil Kumar Mahto, S/o Shivan Mahto, R/o Village – Sursand
Ashok Chawk, P.S.-Sursand, District – Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1230 of 2019)

For the Appellant/s : Mr.Dinesh Jha

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 1250 of 2019)

For the Appellant/s : Mr.Dinesh Jha

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-06-2019 As both the criminal appeals have cropped up from

the same P.S. Case, hence aforesaid two appeals are being heard

together and disposed of by this common order.

Heard learned counsel for the appellants and learned

Spl. PP for the State.

These are the appeals under Section 14(A)(2) of the



SC/ST Act against the refusal of prayer for anticipatory bail of the appellants vide order dated 20.02.2019 passed by learned 1st Add. Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in Sursand P.S. Case No. 258 of 2017 registered under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Sixteen named and four unnamed accused persons including the appellants are said to have surrounded Raja Kumar and when the informant rushed in his rescue they slated him in the name of his caste and assaulted him by means of iron rod etc. inflicting injury to him.

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 is not specific rather general and omnibus in nature. Injuries sustained by the informant are lacerated, abrasion and swelling and are simple in nature. Appellants have no criminal antecedent. Similarly situated co-accused namely Rakesh Mahto @ Rakesh Kumar @ Rakesh Mahati has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 30.08.2018 passed in Cr. Appeal (SJ) No. 2777 of 2018.



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

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Add. Sessions Judge cum Special Judge, Sitamarhi in Sursand P.S. Case No. 258 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the aforesaid two appeals are allowed.

(Prakash Chandra Jaiswal, J)

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