

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4526 of 2018

Arising Out of PS. Case No.-88 Year-2018 Thana- BATHNAHA District- Sitamarhi

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1. Puspa Narain Jha, Son of Dhanesh Jha.
 2. Eknath Jha Son of Naresh Jha.
 3. Divyansh Kumar Jha Son of Eknath Jha (father's name wrongly written in F.I.R.), Arunesh Jha.
 4. Subhesh Kumar Jha Son of Rati Kant Jha.
- All are Resident of Village- Madhopur, P.S. Bathanaha, District- Sitamarhi.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Jha
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 29-01-2019

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 18.09.2018 passed by the learned Addl. Sessions Judge 1st -cum-Special Judge, SC/ST Act, Sitamarhi in ABP No. 1481 of 2018/333 of 2018 arising out of Bathanaha P.S. Case No. 88 of 2018 registered under Sections 323, 341, 379, 427/34 of the Indian penal Code and Sections 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per the FIR is that during Chaiti Durga immersion procession, all accused persons came and tried to



remove the Phoos house of one Kunkun Paswan and when he pretested, Man Mohan Jha ordered to assault him and tied his neck and committed *loot pat*. It is alleged that appellants tried to kill his son but he sustained injury upper side of his eye. Appellant no. 2 is alleged to have beaten one Veena Devi with fists and slap.

Submission of learned counsel for the appellants is that there is case and counter case between the parties and scuffle took place with respect to immersion of Durga idol and both parteis received injury and taking advantage of procession, some ornamental allegations have been alleged and this case has been lodged after delay of three days.

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 Addl. Sessions Judge 1st -cum-Special Judge, SC/ST Act, Sitamarhi in ABP No. 1481 of 2018/333 of 2018 arising out of Bathanaha



P.S.Case No. 88 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 them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

