

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1352 of 2019

Arising Out of PS. Case No.-37 Year-2018 Thana- SC/ST District- Begusarai

1. Arun Sah Son of Late Sitaram Sah, Resident of Village- Bihat Gurudashpur Tola, Ward No. 16, P.S.- Barauni, (F.C.I. O .P.), District- Begusarai.
2. Dhiraj Kumar @ Dhiraj Sah, Son of Lalan Sah, Resident of Village- Bihat Gurudashpur Tola, Ward No. 16, P.S.- Barauni, (F.C.I. O .P.), District- Begusarai.
3. Lalan Sah Son of Late Sitaram Sah, Resident of Village- Bihat Gurudashpur Tola, Ward No. 16, P.S.- Barauni, (F.C.I. O .P.), District- Begusarai.
4. Pappu Sah, Son of Arun Sah, Resident of Village- Bihat Gurudashpur Tola, Ward No. 16, P.S.- Barauni, (F.C.I. O .P.), District- Begusarai.
5. Saurav Kumar, Son of Sikandar Sah, Resident of Village- Bihat Gurudashpur Tola, Ward No. 16, P.S.- Barauni, (F.C.I. O .P.), District- Begusarai.
6. Santosh Sah, Son of Lalan Sah, Resident of Village- Bihat Gurudashpur Tola, Ward No. 16, P.S.- Barauni, (F.C.I. O .P.), District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 09-07-2019 Heard learned counsel for the appellants and learned
Spl. PP 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 of anticipatory bail vide order dated 22.01.2019 passed by learned Special Judge, SC/ST (POA) Act, Begusarai in Begusarai SC/ST P.S. Case No.



37 of 2018 registered under Sections 307/34, 323, 341, 354 of the Indian Penal Code and Section 3(1)(v)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Nine accused persons including the appellants are said to have slated the informant, his son and daughter in the name of their caste and also assaulted them and his mother-in-law, who rushed in their rescue intruding into the house of the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellants is not specific rather general and omnibus in nature. All the injury sustained by the victims are simple in nature barring one knee injury sustained by the son of the informant regarding which the opinion is reserved. The appellants are said to have slated the informant and his family members in the name of their caste intruding into his house and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer



for bail.

In 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 learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Begusarai SC/ST P.S. Case No. 37 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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