

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1391 of 2019**

Arising Out of PS. Case No.-236 Year-2017 Thana- KHAIRA District- Jamui

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1. PINTU SAH Son of Krishna Sah Resident of Village - Chaunkitara, P.S.-
Khaira, Distt - Jamui.
 2. Indu Sah Son of Krishna Sah Resident of Village - Chaunkitara, P.S.-
Khaira, Distt - Jamui.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Niranjan Parihar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 26-06-2019 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST
Act') against the refusal of prayer for anticipatory bail vide
order dated 13.03.2019 passed by learned 1st Addl.
Sessions Judge, Jamui in connection with Khaira P.S. Case
No. 236 of 2017 registered under Sections 341, 323, 337
& 504/34 of the Indian Penal Code and Section 3(i) (x) (s)
of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act.



Appellants along with other accused persons are said to have slated the informant in the name of his caste and appellant Pintu Sah assaulted on his finger by means of 'Tangi' while other accused persons assaulted his son by means of brick bat.

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 due to dirty village politics. Except the allegation of assaulting the informant levelled against the appellant Pintu Sah, other allegation levelled against the appellants are general and omnibus in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposing the prayer for bail submitted that the appellants along with other accused persons assaulted the informant and his son and also slated them in the name of their caste. Hence, the anticipatory bail is barred by Section 18 of the SC/ST Act.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellants on bail. The prayer for bail of the appellants is hereby rejected. However, the appellants are directed to surrender before



the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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