

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1540 of 2019

Arising Out of PS. Case No.-49 Year-2016 Thana- RIGA District- Sitamarhi

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1. PAWAN KUMAR Son of Sri Krishndev Sah @ Kishun Sah Resident of Village- Bulakipur, P.S.- Riga, District- Sitamarhi.
 2. Uday Sah @ Makai Sah @ Uday Shankar Sah Son of Sri Ramprem Sah Resident of Village- Bulakipur, P.S.- Riga, District- Sitamarhi.
 3. Madan Sah Son of Sri Ramprem Sah Resident of Village- Bulakipur, P.S.- Riga, District- Sitamarhi.
 4. Chandeshvar Sah Son of Sri Akalu Sah Resident of Village- Bulakipur, P.S.- Riga, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amrendra Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-06-2019 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 A.D.J.-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Riga P.S. Case No. 49 of 2016, registered under Sections 341, 323, 34 of the Indian Penal Code and also under Section 3 (i) (x) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over making complaint against the appellant Pawan Kumar for installation of the hand-pump in the houses of the witnesses of case No. 35 of 2013 lodged against him by Sunaiana Devi and after departure of the officers who had arrived for inspection of the complaint appellants are said to have descended at the door of the informant and appellant Pawan Kumar slated the informant in the name of his caste and assaulted below the eye of the informants by means of knife inflicting cut injury.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to dirty village politics and animosity. There is case and counter case between informant and appellant Pawan Kumar. Earlier appellant has lodged case against the informant. There is no allegation of slating the informant against the appellants barring appellant Pawan Kumar.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that there is specific allegation of slating the informant in the name of his caste at his door and also assaulting



him by means of knife against appellant Pawan Kumar hence anticipatory bail is barred under Section 18 SC/ST Act hence, appellant Pawan Kumar does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant Pawan Kumar on bail. The prayer for bail of the appellant Pawan Kumar is hereby rejected.

However, the appellant Pawan Kumar is directed to surrender before the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being prejudiced by this order on the very day of surrender of the appellant Pawan Kumar.

In the facts and circumstances of the case, the above named appellants Uday Sah @ Makai Sah @ Uday Shankar Sah, Madan Sah and Chandeshvar Sah are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-cum- Special Judge SC/ST (POA) Act, Sitamarhi, in connection with Riga P.S. Case No. 49 of 2016, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the present appeal is disposed of.



(Prakash Chandra Jaiswal, J)

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