

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1763 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. Akhilesh Sah Son of Parbhu Sah Resident of Village - Muzuana, P.S.-
Sikarpur, District- West Champaran at Bettiah
 2. Parbhu Sah Son of Harihar Sah Resident of Village - Muzuana, P.S.-
Sikarpur, District- West Champaran at Bettiah.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vibhakar Kumar
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 11-07-2019 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 25.03.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, West Champaran Bettiah in SC/ST
P.S. Case No. 34 of 2018 registered under Sections 341, 323,
504, 506/34 of the Indian Penal Code and Section 3(i)(r)(ii)(va)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

During the course of construction of the hut by the



informant on his land, appellants intercepted him and slated him in the name of his caste and also extended threatening over the land dispute.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. They have not committed such occurrence. The occurrence is said to be of 5.06.2018, but the FIR has been lodged after inordinate and abnormal delay of about one month and twenty three days without assigning any plausible reason for the aforesaid delay which creates serious doubt about the prosecution case. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Parties have entered into compromise in the case. Appellants have no criminal antecedent.

On the other hand, learned Spl. P.P. opposed the bail prayer of the appellants.

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 1st Addl. Sessions Judge cum Special Judge, West Champaran Bettiah in connection with SC/ST P.S. Case No. 34 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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