

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1918 of 2019**

Arising Out of PS. Case No.-52 Year-2017 Thana- SC/ST District- Banka

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KRISHNA MOHAN SAH Son of Late Tej Narayan Sah Resident of Village -
Baniyachak, P.S.- Amarpur, District - Banka

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Brij Nandad Prasad

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 08-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 01.03.2019 passed by learned 1st Addl. Sessions Judge,
Banka in SC/ST P.S. Case No. 52 of 2017 registered under
Sections 406, 420, 467, 468, 471, 120(B), 504 and 506/34 of the
Indian Penal Code and Section 3(i)(w) of the SC/ST Act.

When the informant filed the application to the C.O.,
Amarpur for mutation of her name over the land in question
purchased by her vide two sale deeds from Chandrashekhar Sah,
she came to know that said Chandrashekhar Sah has no land in
his name and when the informant along with her husband went
to the house of Chandrashekhar Sah to make complain,



said Chandrashekhar Sah and two other accused persons including the appellant slated them in the name of their caste and made them leave house extending threatening of dire consequence.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He does not happen to be owner of the aforesaid land and he has not executed the said land in favour of the informant. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature and moreover slating is said to have been made inside the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions



Judge, Banka in SC/ST P.S. Case No. 52 of 2017, 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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