

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1739 of 2019**

Arising Out of PS. Case No.-116 Year-2018 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Om Prakash Sah, S/o Vishwanath Sah R/o village- Mohiuddin Nagar, P.O. and P.S.- Mohiuddin Nagar, District- Samastipur
 2. Kanhiya Kumar @ Kanhiya Lal Sah S/o Vishwanath Sah R/o village- Mohiuddin Nagar, P.O. and P.S.- Mohiuddin Nagar, District- Samastipur
 3. Sujit Kumar @ Sujit Sah @ Gonga S/o Vishwanath Sah R/o village- Mohiuddin Nagar, P.O. and P.S.- Mohiuddin Nagar, District- Samastipur

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Moleshwar
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

7 16-09-2019

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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory
bail vide order dated 16.03.2019 passed by learned
1st Additional Sessions Judge, Samastipur in connection
with Mohiuddin Nagar P.S. Case No. 116 of 2018
registered under Sections 406, 420, 504 & 506/34 of the
Indian Penal Code and Section 3(1) (r) (s) of the



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

On the co-accused Vishwanath Sah and Jai Prakash Sah agreed to sell out 6 dhurs land along with the house to the appellants in Rs.25 lakhs, co-accused Jai Prakash Sah received advance amount of Rs.9,33,000.00 on two dates in lieu of the execution of the sale deed in favour of the informant but they did not execute the sale deed rather avoided and when the informant arrived at the house of Vishwanath Sah to interact with them regarding registration of the sale deed in his favour, all the accused persons including the appellants slated him in the name of caste and made him to leave the house and also extended threatening of dire consequences.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the father of the appellants, namely, Vishwanath Sah had given a shop on rent to one Shobha Devi but the said Shobha Devi let it out to the informant and for eviction of the said shop Vishwanath Sah lodged Eviction Suit No.03 of 2015/12 of 2016 against said Shobha Devi and informant and to mount pressure



upon the appellants, the informant has lodged this false and frivolous case against the appellants. They have neither taken any money from the informant nor agreed to execute the land in his favour. The only allegation against the appellants is slating the informant in the name of caste and extending threatening. The aforesaid allegation is not specific rather general and omnibus in nature. The said slating is said to have been taken place in the house of the appellants and not in 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, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 116 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
this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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