

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1777 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- TEGHRHA District- Begusarai

NARESH SAHNI Son of Late Lakhi Sahni Resident of Village - Pakhtoul,
P.S.- Teghra, District- Begusarai

... .. Appellant/s

Versus

The State of Bihar..... Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL JUDGMENT

Date : 02-05-2019

1. Heard learned counsel for the appellant and learned

Spl. P.P. for the State.

2. This is an appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, against the refusal of prayer for bail vide order dated 25.3.2019 passed by learned Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities Act) Begusarai, in connection with Teghra P.S. Case No. 16 of 2019 registered under Sections 147, 149, 341, 323, 504, 506, 307 of the Indian Penal code and also under Section 3 (r) (s) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.

3. Petitioner along with other named co-accused said to have descended at the house of the informant and slated the informant in the name of his caste and on order of the appellant



co-accused Rajiv Sahni assaulted on the head of the informant by means of Iron rod and Sanjeev Sahni spit on his face.

4. It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case. Allegation of slating the informant in the name of his caste is not specific rather general and omnibus in nature. No case is made out under SC/ST Act as the occurrence of slating was allegedly made at the house of the informant and not in public view. Informant is in habit of lodging the case against the appellant and harass him as besides this case three other cases have been lodged against this appellant, and appellant is on bail in the aforesaid cases. He does not happen to be assailant. Appellant has been languishing in custody since 1.3.2019.

5. Learned Spl. P.P. for the State and informant opposed the prayer for bail submitted that appellant slated the informant in the name of his caste and also gave order whereupon co-accused assaulted the informant by means of Iron-rod.

6. In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge,



Schedule Caste/Schedule Tribe (Prevention of Atrocities Act),
Begusarai, in connection with Teghra P.S. Case No. 16 of 2019.

7. Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

T.Kr./-

AFR/NAFR	NAFR
CAV DATE	NA
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