

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1844 of 2019

Arising Out of PS. Case No.-165 Year-2019 Thana- DIGHA District- Patna

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1. Tulsi Sao Son of Ram Sewak Sao Resident of Village - Haripur Colony, Digha Hat, P.S.- Digha, District - Patna.
 2. Kallu @ Rahul Sao Son of Kishori Sao @ Keshari Saw Resident of Village - Haripur Colony, Digha Hat, P.S.- Digha, District - Patna.
 3. Bhola @ Dipu Sao Son of Kishori Sao @ Keshari Saw Resident of Village - Haripur Colony, Digha Hat, P.S.- Digha, District - Patna.
 4. Manoj Sao Son of Tulsi Sao Resident of Village - Haripur Colony, Digha Hat, P.S.- Digha, District - Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jay Ram Prasad

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 08-07-2019 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

The appellants seek pre-arrest bail in connection with Digha P.S. Case No. 165 of 2019 registered for the offence punishable under Sections 341, 323, 324, 504, 506, 447/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over interference by the informant in the assault made by appellant Manoj Sao to Golu Kumar and others,



appellants are said to have assaulted the informant by means of sword inflicting injury beside his thumb and other accused persons also assaulted him making him injured.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellant Manoj Sao has filed a case against the informant and others preceding to the case under hand and in order to save his skin from the said case, the informant has lodged this false and frivolous case against the appellants. Parties have entered into compromise in the case. Informant has not sustained injury in the occurrence, 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, 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 Addl. Sessions Judge-VIII cum Special Judge, SC/ST Act, Patna in connection with Digha P.S. Case No. 165 of 2019, 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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