

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1934 of 2019**

Arising Out of PS. Case No.-777 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. SANJAY SAH Son of Late Bhola Sah Resident of - Tikarampur, P.S.- Muffasil (Tikarampur O.P.), Distt - Munger.
 2. Umesh Sah Son of Late Bhola Sah Resident of - Tikarampur, P.S.- Muffasil (Tikarampur O.P.), Distt - Munger.
 3. Dinesh Sah @ Karka @ Kare Sah Son of Late Bhola Sah Resident of - Tikarampur, P.S.- Muffasil (Tikarampur O.P.), Distt - Munger.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Meghan Rajak Son of Late Fakira Rajak Resident of Village - Tikarampur (Jagdish Mandal Tola), P.S.- Muffasil, Distt - Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamal Kishore Jha
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

5 19-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 10.01.2019 passed by learned 1st Addl. Sessions Judge, Munger in Complaint Case No. 777C of 2018 registered under Sections 147, 148, 341, 323, 354 and 380/34 of the Indian Penal Code and Section 3(i)(r)(s)(z) of the SC/ST Act.

Appellants are said to have slated the informant and



his wife in the name of their caste and on protest made by them they assaulted his wife and also misbehaved with her and tried to outrage the modesty of the daughter-in-law of the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. Earlier to the case under hand, brother of the appellant has got recorded his fardbeyan regarding assault made upon him by the sons of the complainant and in order to save skin from the said case, complainant has lodged this false and frivolous case against the appellants. Complainant in his statement before the court, in reply to a court question, has admitted that there is land dispute between the parties and the brother of the appellant has lodged a case against him and others. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Similarly situated co-accused namely Bablu Sah, Ram Sah @ Ranjan Sah, Rajniti Sah and Naresh Sah have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.02.2019 passed in Cr. Appeal (SJ) No. 617 of 2019.

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 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 the learned 1st Addl. Sessions Judge, Munger in connection with Complaint Case No. 777C 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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