

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2221 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- BELSAND District- Sitamarhi

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1. Jai Prakash Sahani @ Jaai Prakash Sahani @ Chhedi Sahani Son of Late Manju Sahani Resident of Village- Belsand, P.S.- Belsand, District- Sitamarhi.
 2. Chandan Kumar @ Chandan Mandal Son of Mahendra Mandal Resident of Village-Chandauli Ward No.9, P.S.-Belsand, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Jha

For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 11-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 26.04.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Sitamarhi in Belsand P.S. Case No. 27 of 2019 registered under Sections 341, 323, 504, 506, 353/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On complain about running of CSP Centre in Belsand Ward No. 2 instead of village Sauli and not distributing of ATM card by the said CSP Centre, when the informant, who



happens to be Branch Manager, SBI Belsand visited the aforesaid CSP Centre, the appellant Jai Prakash Sahni, who happens to be *Sah Sanchalak* of the said CSP Centre slated him in the name of his caste in inebriated condition, and on his exhortation his associate, namely, Chandan Kumar (appellant) assaulted him by means of small gun like weapon making him injured.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the aforesaid CSP Centre was closed on 7.01.2019 and the Co-ordinator of Sanjivni Vikas Foundation through which the appellants have got the code, after making investigation has found the said CSP Centre closed and register upto date and recommended the Bank for reopening of the said code, and when the appellants approached the informant for reopening of their code, he demanded graft and on refusal of the same, the informant has filed this false and frivolous case maliciously against the appellants to harass them. Informant has not sustained any sort of injury in the occurrence. There is case and counter case between the parties.

On the other hand, learned Spl. P.P. opposed the bail prayer of the appellants.



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 Special Judge, SC/ST Act, Sitamarhi in connection with Belsand P.S. Case No. 27 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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