

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2161 of 2019**

Arising Out of PS. Case No.-473 Year-2018 Thana- BAIRIYA District- West Champaran

RAJENDRA SAH Son of Ramnath Sah Resident of Village - Sudamanagar,
Phuliakhanda, P.S.- Bairiya, District - West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 31-07-2019 Heard learned counsel for the appellant 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 27.04.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran in connection with Bairiya P.S. Case No.473/2018, registered under Sections 341, 323, 354, 379, 504, and 34 of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Share of the informant is said to have been forcibly



got executed by appellant and four other named accused persons and when informant arrived at the aforesaid land all the named accused persons including appellant assaulted him by means of lathi and appellant and Pappu Sah slated him in the name of his caste and co-accused Harinder Ram tore the Blouze of wife of the informant.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter fact, he had purchased the land in question from the pattidars of the informant and being peeved with the same informant has lodged this false and frivolous case against the appellant and others in order to mount pressure upon them and to harass them. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No one has sustained injury in the occurrence. There is inordinate delay of thirteen days in lodging the F.I.R by the informant without assigning any plausible explanation for the same. Parties have entered into compromise and filed compromise petition in the Court below. Appellant has no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above



named appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 473 of 2018, subject to 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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