

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2334 of 2019**

Arising Out of PS. Case No.-297 Year-2016 Thana- DARBHANGA SADAR District-  
Darbhanga

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1. Chhatthu Sah @ Chhatu Sah S/o Sri Mahesh Sah Resident of Village- Tarsarai, P.S.- Sadar (Bhalpatti O.P.), District- Darbhanga.
  2. Mahesh Sah S/o Late Ban Sardar Sah Resident of Village- Tarsarai, P.S.- Sadar (Bhalpatti O.P.), District- Darbhanga.
  3. Lal Sah S/o Mahesh Sah Resident of Village- Tarsarai, P.S.- Sadar (Bhalpatti O.P.), District- Darbhanga.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Ajay Kumar Thakur, Advocate.<br>Mr. Nilesh Kumar, Advocate.<br>Mrs. Babita Kumari, Advocate. |
| For the Respondent/s | : | Mr. Sadanand Paswan, Special P.P.                                                                |

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

ORAL ORDER

4      26-07-2019                      Heard learned counsel for the appellants 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.04.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge SC/ST Act, Darbhanga in connection with Sadar (Bhalpatti O.P.) P.S. Case No. 297 of 2016 registered under Sections 341, 448, 354, 504 & 506/34 of



the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant Chhatthu Sah with co-accused Dipak Sah and Ramjatan Sahani intruding into the house of the informant slated and assaulted her in the name of her caste, misbehaved with her and tore her attire. While appellants-Chatthu Sah and Mahesh Sah committed heist of ornaments and cash breaking open the box over the land dispute.

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 and animosity. There is no allegation of slating the informant in the specific name of her caste moreover the said slating is said to have been made inside the house of the informant, hence no offence under SC/ST Act is made out against the appellants. The allegation of theft is super addition. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the



above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge SC/ST Act, Darbhanga in connection with Sadar (Bhalpatti O.P.) P.S. Case No. 297 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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