

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2309 of 2019**

Arising Out of PS. Case No.-32 Year-2019 Thana- PHULWARIA District- Begusarai

1. Sanjeet Sah @ Bato Son of Rajendar Sah Resident of Village- Baro Durga Asthan, P.S.- Fulwaria, District- Begusarai.
2. Ranjeet Sah Son of Rajendar Sah Resident of Village- Baro Durga Asthan, P.S.- Fulwaria, District- Begusarai.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar Sinha

For the Respondent/s : Mrs. Usha Kumari I

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

ORAL ORDER

6 15-07-2019 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 Court of Special Judge, SC/ST, (POA), Begusarai in connection with Fulwaria P.S. Case No. 32 of 2019 registered under Sections 323, 324, 341, 504 & 506/34 of the Indian Penal Code and Section 3 (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over row of flowing of dirty water on the land of



the informant four accused persons including the appellants intruded into the house of the informant slated him. Accused Amit Sah assaulted him by means of sword inflicting cut injury on his hand, while other accused persons assaulted nephew and Bhabhi of the informant by means of spade who came in his rescue.

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 dirty village politics. As a matter of fact, the informant has lodged this case against the appellants over petty dispute of flowing of dirty water on the land of the informant. Victims have sustained simple injury caused by hard and blunt substance on their person. Appellants have not slated the informant in the specific name of his caste and more over the said occurrence had taken place inside the house of the informant and not in public view. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellants have been languishing in custody since 24.04.2019.

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

In the facts and circumstances of the case, the



above named appellants are directed to be released 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 Court of Special Judge, SC/ST, (POA), Begusarai in connection with Fulwaria P.S. Case No. 32 of 2019.

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

(Prakash Chandra Jaiswal, J)

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