

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2546 of 2019**

Arising Out of PS. Case No.-532 Year-2017 Thana- GHORASAHAN District- East  
Champaran

=====

Lalan Sah Son of Tuntun Sah Resident of Village-Ghorasahan Virta Chauk,  
P.S.-Ghorasahan, District-East Champaran.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Dilip Kumar Tondon

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

5      09-09-2019                      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 in short referred to as the  
'SC/ST Act') against the refusal of prayer of anticipatory bail  
vide order dated 22.05.2019 passed by learned 1<sup>st</sup> Additional  
Sessions Judge cum Special Judge SC/ST Act, East Champaran  
at Motihari in connection with Ghorasahan P.S. Case No. 532 of  
2017 registered under Sections 147, 148, 149, 341, 323, 324,  
325, 354 B, 379, 504 & 506 of the Indian Penal Code and  
Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

While the daughter of the informant was proceeding for defecation five named accused persons including the appellant slated her in the name of her caste and assaulted her. On protest made by the informant, they also slated him in the name of caste and Lalan Sah (appellant) assaulted on his head by means of sword.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case over a trivial dispute between the parties. Appellant is said to have assaulted on the head of the informant by means of sword but the doctor has found the head injury simple in nature and caused by hard and blunt substance. Other allegation levelled against the appellant is not specific rather general and omnibus in nature. Similarly situated co-accused, namely, Suraj Kumar and others have been enlarged on bail by a coordinate Bench of this Court vide judgment dated 19.09.2018 passed in Cr. Appeal (SJ) No.2215 of 2018

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, be released on bail 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 1<sup>st</sup> Additional Sessions Judge cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Ghorasahan P.S. Case No. 532 of 2017, 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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