

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2852 of 2019

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

1. Amit Sah Son of Rajendra Sah Resident of Village- Baro Durga Ashthan, Police Station- Fulwaria, District- Begusarai.
2. Vishal Sah @ Bishal Sah Son of Rajendra Sah Resident of Village-Baro Durga Ashthan, Police Station-Fulwaria, District-Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jai Shanker Prasad

For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 04-09-2019 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 15.06.2019 passed by learned Special Judge, SC/ST (PoA) Act, Begusarai in 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, six accused persons including the appellants



intruding into the house of the informant slated him. Appellant 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. 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. Though the appellant Amit Sah is said to have assaulted on the hand of the informant by means of sword but doctor has not found any sharp cut injury on the hand of the informant, which rules out the prosecution case. Appellants are not slated the informant in the name of his caste and moreover slating is said to have been made inside the house of informant and not in the public view. Allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Sanjeet Sah @ Bato and Ranjeet Sah have been enlarged on bail by this Court vide order dated 15.07.2019 passed in Cr. Appeal (SJ) No.



2309 of 2019.

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

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 (PoA) Act, Begusarai in connection with Fulwaria P.S. Case No. 32 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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