

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2914 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- DHANAHA District- West Champaran

1. Savita Devi @ Savitri Devi W/o Prayag Yadav R/o Village- Ghewrahi Tola, Bhedihari, P.S.- Dhanaha, District- West Champaran.
2. Nitish Yadav Son of Bachchu Yadav R/o Village- Ghewrahi Tola, Bhedihari, P.S.- Dhanaha, District- West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rudal Prasad
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 06-08-2019 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 bail vide order dated 18.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, West Champaran at Bettiah in connection with Dhanha P.S. Case No.01 of 2019 registered under Sections 323, 341, 342, 354 & 504/34 of the



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

Three named accused persons including the appellants are said to have assaulted the informant, her husband and daughter by means of lathi and fists making them injured arriving at her door.

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 animosity. There is case and counter case between the parties. The injury sustained by the victim is simple in nature. The allegation against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent and have been languishing in custody since 28.05.2019.

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 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 1st Additional Sessions Judge cum Special Judge SC/ST Act, West Champaran at Bettiah in



connection with Dhanha P.S. Case No.01 of 2019.

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

(Prakash Chandra Jaiswal, J)

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