

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2905 of 2019

Arising Out of PS. Case No.-49 Year-2017 Thana- SAHARGHAT District- Madhubani

Krishana Lal Sah Son of Jaylal Sah Resident of Village-Bokaha, P.S-
Saharghat, District-Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bechan Ram S/O Bulan Ram R/o village-Bokaha, P.S-Saharghat, Distt-
Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar
For the Respondent/s : Mr. Syed Ashfaque Ahmad

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

ORAL ORDER

3 02-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 25.04.2019 passed by learned 1st Addl. Sessions Judge,
Madhubani in Sahar Ghat P.S. Case No. 49 of 2017 registered
under Sections 406, 420, 341 and 504/34 of the Indian Penal
Code and Section 3(i)(g)(f) of the SC/ST Act.

Appellant Krishana Lal Sah is said to have taken
Rs.1,15,000/- from the informant to sell out 1 katha 5 dhur land
to him in Rs.3,50,000/-. But, he did not execute said land in his



favour rather executed it to some other person and when the informant approached the appellant Krishana Lal Sah, he slated him in the name of his caste, and on his exhortation, four other named accused persons assaulted him by means of fist and made him injured. When his wife rushed in his rescue, they also assaulted her.

It is submitted by learned counsel for the appellant that the appellant has not taken any money from the informant in lieu of executing land by him in his favour. There is no evidence of giving any money to him by the informant. The informant has also not mentioned in the written report the date on which he has given the aforesaid money to the appellant and assurance by the appellant to execute his land in favour of the informant rather showing the occurrence of year 2016 filed in this case after inordinate and abnormal delay in the month of May 2017 without assigning any plausible explanation for the same. Slating the informant is said to have been made at the door of the appellant and not in the public view, hence, no offence under SC/ST Act is made out against the appellant.

Per contra, learned counsel for the informant appearing before the Court opposed the bail prayer of the appellant but failed to disclose the mode and date of



payment of the aforesaid amount to the appellant by the informant and assurance by the appellant to execute the land in his favour.

Having regard to the facts and circumstances of the case, the above named appellant is directed to be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Madhubani in connection with Sahar Ghat P.S. Case No. 49 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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