

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2952 of 2019

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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Brijesh Sah @ Brajesh Sah Son of Late Ramayee Sah Resident of Village -
Sithi, P.S.- Gaunaha, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 18-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 08.03.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, West Champaran at
Bettiah in Bettiah SC/ST P.S. Case No. 27 of 2018 registered
under Sections 448, 341, 323, 354, 504, 506/34 of the Indian
Penal Code and Sections 3(1)(r)(w), 3(2)(v)(a) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with four other named accused
persons arriving at the door of the informant slated her in the



name of her caste and disrobed her. When her husband arrived there, they also slapped him over not payment of interest of Rs. 1,56,000/- given to him by the appellant.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, the husband of the informant has admittedly taken Rs. 1,56,000/- from the appellant but did not return the same, and on demand of the same by the appellant, he has got this false and frivolous case lodged against the appellant and others through the informant to devour his aforesaid huge money. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of nine days in lodging the FIR without assigning any plausible explanation for the same which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellant 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 learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No. 27 of 2018, 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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