

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3134 of 2019

Arising Out of PS. Case No.-105 Year-2018 Thana- PALANWA District- East Champaran

1. Sajan Kumar @ Sajan Kumar Sah @ Sajan Sah Son of Amika Sah Resident of Village- Musaharwa, P.S.- Palanwa, District- East Champaran.
2. Pappu Kumar Son of Basdeo Sah @ Basudev Sah @ Basdev Sah Resident of Village-Musaharwa, P.S.-Palanwa, District-East Champaran.
3. Yamuna Sah @ Jamuna Sah Son of Yado Sah @ Yadolal Sah Resident of Village-Musaharwa, P.S.-Palanwa, District-East Champaran.
4. Deban Sah @ Deban Sah Son of Rajbanshi Sah Resident of Village-Musaharwa, P.S.-Palanwa, District-East Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 01-08-2019 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 anticipatory bail vide order dated 25.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Palanwa P.S. Case No. 105 of



2018 registered under Sections 341, 342, 323, 379, 427, 353 & 504/34 of the Indian Penal Code and Section 3(1) (a)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During the course of holding meeting of Clean India Mission Scheme, appellants descended there in inebriated condition and intervened in the meeting and on protest appellant no.1- Sajjan Kumar slating the informant in the name of the caste assaulted him by means of danda and also slapped him and spat on his face. In the meantime, other appellants shoved him on the ground. When Yamuna Sah and Deban Sah rushed in his rescue they also assaulted him by means of legs and fists and tore some document and snatched Rs.17,000/- from the pocket of Vijendra Kumar.

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 as the informant is the Ward Member-cum-Up Mukhiya and used to demand Rs.2000/- per head from the beneficiary under the Clean India Mission Scheme and on protest, he has lodged this false and frivolous case against them. The allegation of assault levelled against the appellants is not specific rather general and



omnibus in nature. Moreover, parties to the case have entered into compromise. Appellants have no criminal antecedent.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that there is specific allegation against appellant no.1-Sajan Kumar of slating the informant in the name of his caste in the meeting i.e. in public view, hence he does not deserve bail.

In the facts and circumstances of the case, the above named appellants, except appellant no.1-Sajan Kumar @ Sajan Kumar Sah @ Sajan Sah, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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, East Champaran at Motihari in connection with Palanwa P.S. Case No. 105 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As there is specific allegation against appellant no.1-Sajan Kumar @ Sajan Kumar Sah @ Sajan Sah of slating the informant in public view, I am not inclined to enlarge him on bail. The prayer for bail of the appellant no.1 is hereby rejected.



However, the appellant no.1 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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