

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3234 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- PATAHI District- East Champaran

1. Mohan Mukhiya Son of Late Sita Mukhiya Resident of Village - Betauna Prati Tola, P.S.- Patahi, Distt - East Champaran.
2. Ambas Mukhiya @ Amawas Mukhiya Son of Late Sita Mukhiya Resident of Village - Betauna Prati Tola, P.S.- Patahi, Distt - East Champaran.
3. Sheopujan Mukhiya Son of Hari Mukhiya Resident of Village - Betauna Prati Tola, P.S.- Patahi, Distt - East Champaran.
4. Bali Mukhiya Son of Mohan Mukhiya Resident of Village - Betauna Prati Tola, P.S.- Patahi, Distt - East Champaran.
5. Hari Mukhiya Son of Late Sita Mukhiya Resident of Village - Betauna Prati Tola, P.S.- Patahi, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 07-08-2019 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 22.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, East Champaran at Motihari in Patahi P.S. Case No. 42 of 2019 registered under Sections 341, 323, 325, 354(A), 504/34 of the Indian Penal



Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over filing of Patahi P.S. Case No. 150/17 by the informant against the appellants, appellants are said to have assaulted the informant, his wife and other family members by means of lathi and made them injured.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to previous animosity. There is case and counter case between the parties. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. After perusal of the case diary, learned lower court has also not mentioned about any injury report of the victims in the impugned order. Barring the aforesaid case lodged by the informant against the appellants, appellants have no criminal antecedent and they are on bail in the aforesaid case.

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 1st Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, East Champaran at Motihari in connection with Patahi P.S. Case No. 42 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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