

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 3418 of 2019

Arising Out of PS. Case No.-35 Year-2018 Thana- DHANAHA District- West Champaran

1. Jai Narayan Sharma Son of Ramdarsh Sharma Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.
2. Ramdarsh Sharma Son of Late Langar Sharma Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.
3. Pravindra Sharma Son of Gorakh Sharma Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.
4. Dhurendra Sharma Son of Gorakh Sharma Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.
5. Umesh Sharma @ Umesh Yadav Son of Vishwanath Sharma @ Vishwanath Yadav Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.
6. Kamlesh Sharma Son of Mangal Sharma Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.
7. Pintu Sharma Son of Mangal Sharma Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.
8. Heera Gupta Son of Chandrika Gupta Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.
9. Subhash Sharma Son of Mangal Sharma Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.
10. Sikandar Sharma Son of Kishun Sharma Resident of Village - Khalwa Patti, P.S.- Dhanaha, Dist.- West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 19-08-2019 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 03.07.2019 passed by learned 1st Addl. District & Sessions Judge cum Special Judge, SC/ST/ POCSO, Bettiah West Champaran in Dhanaha P.S. Case No. 35 of 2018 registered under Sections 341, 323, 342, 324, 379/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated the son of the informant in the name of his caste and assaulted him while he was proceeding to temple over the previous brawl. On complain made by his son, when the informant and others approached the accused persons, they assaulted the informant and his wife and appellant Dhurendra Sharma assaulted above the eye of son of the informant by means of iron rod and they also slated them in the name of their caste.

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 brawl ensued between the parties. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. All the appellants



barring appellant no. 8 Heera Gupta are member of the Scheduled Tribes, hence, no offence under SC/ST Act is made out against them, and after investigation of the case, police has submitted charge-sheet only under Sections 341, 323, 504/34 of the Indian Penal Code. Appellants have 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 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. District & Sessions Judge cum Special Judge, SC/ST/ POCSO, Bettiah West Champaran in connection with Dhanaha P.S. Case No. 35 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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