

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3457 of 2019

Arising Out of PS. Case No.-10 Year-2018 Thana- SC/ST District- Sitamarhi

1. Sri Narayan Sah @ Narayan Sah S/o Ram Briksh Sah Resident of Village- Barharwa, P.S.- Mejorganj, District- Sitamarhi.
2. Rakesh Sah @ Rakesh Kumar S/o Sri Narayan Sah @ Narayan Sah Resident of Village- Barharwa, P.S.- Mejorganj, District- Sitamarhi.
3. Dilip Sah @ Dilip Kumar Sah S/o Late Babulal Sah Resident of Village- Barharwa, P.S.- Mejorganj, District- Sitamarhi.
4. Basudeo Sah S/o Late Jagdish Sah Resident of Village- Barharwa, P.S.- Mejorganj, District- Sitamarhi.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 30-09-2019 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 02.07.2019 passed by learned Special Judge SC/ST Act, Sitamarhi in connection with SC/ST P.S. Case No. 10 of 2018 registered under Section 307/34 of the Indian Penal Code and Section 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants arriving at the house of the informant armed with weapons mounted pressure upon him to withdraw the case lodged by him against them regarding assault and loot and on refusal to oblige them by the informant, all of them slated in the name of caste and appellant nos.1 & 2 squeezed his neck by means of gamcha while appellant nos.3 & 4 resorted firing in the air.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to misunderstanding as appellant no.1 happens to be Sarpanch and the informant happens to be Mukhiya of the Gram Panchayat. Informant has not sustained injury. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The alleged slating is said to have taken place at the house of the informant and not in public place, hence no offence under SC/ST Act is made out against the appellants. Barring one case lodged by the informant, appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the



above named appellants, 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 Special Judge SC/ST Act, Sitamarhi in connection with SC/ST P.S. Case No.10 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

