

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3563 of 2019

Arising Out of PS. Case No.-713 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

Chotiya Sahni Son of Late Upendra Sahni Resident of Village/Mohalla -
Lohiya Nagar, P.S.- Town, District - Begusarai

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhimanyu Sharma
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 01-10-2019 Heard learned counsel for the appellant 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 20.02.2019 passed by learned Special Judge (SC/ST) Act, in connection with Town P.S. Case No. 713 of 2018, registered under Sections 147, 148, 149, 323, 302, 324, 379 of the Indian Penal Code and also Section 27 of the Arms Act and also under Section 3 (i) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



In the course of regressing to the house by the informant eight named accused persons and some unknown miscreants including appellant blocked the passage and on asking him to give him passage they slated the informant in the name of his caste. On protest made by the informant they became adamant to assault him whereupon informant gave information to his brother and responding the same when his brother Ravi Ranjanj and neighbour Sonu Kumar rushed there and tried to pacify the matter the aforesaid accused persons assaulted them by means of danda and iron rod. They also snatched mobile of the informant and his brother. Accused persons left the scene and when the informant and his brother and neighbour proceeded further they chased them and accused Balram Kumar resorted firing upon the informant but it did not hit the informant. Accused Rahul Srivastava resorted firing on the chest of his brother Ravi Ranjan who succumbed to injury during course of treatment.

It is submitted by the learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellant is not specific rather general and omnibus in nature. None has



sustained injury at the hand of the appellant. There is no allegation of slating the informant in the specific name of his caste against the appellant. Appellant does not happen to be assailant of the deceased brother of the informant rather it is Rahul Srivastava. He has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Begusarai in connection with Begusarai Town P.S. Case No. 713 of 2018, subject to 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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