

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3681 of 2019**

Arising Out of PS. Case No.-61 Year-2017 Thana- SC/ST District- Araria

SHIV NATH SAH S/o Late Kokan Sah R/o village- Sohadi Tola Dhumgarh,
P.S.- Bardaha (Sikty), District- Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrigendra Kumar
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

2 02-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 01.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Araria in Araria SC/ST P.S. Case No. 61 of 2017 registered under Sections 323, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

Co-accused Dharmendra Kumar started abusing the daughter of the informant in filthy language and extended threatening of committing rape against her and eliminating her by gaining over the police by money. On protest made by her



daughter, he started assaulting her by means of leg and fist and when the informant rushed in her rescue, said Dharmendra Kumar dragging her out of her house shoved her on the road and assaulted her by means of stone, fist, etc. In the meantime, nine accused persons including the appellant arrived there and Siriya Sah and Pramod Mandal slating her in the name of her caste exhorted other persons to assault her and her family members and dump them in the river.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. There is no allegation of either making any assault or slating the informant or her daughter against the appellant. Specific allegation of making assault is against the co-accused Dharmendra Kumar and slating against the co-accused Siriya Sah and Pramod Mandal. Hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

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

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the



event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Araria in connection with Araria SC/ST P.S. Case No. 61 of 2017, 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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