

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3753 of 2019**

Arising Out of PS. Case No.-350 Year-2018 Thana- BAKHARI District- Begusarai

SANTOSH SAH Son of Khattar Sah Resident of Village - Khakharua, P.S.-
Bakhari, District - Begusarai

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

3 16-10-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 03.08.2019 passed by learned Special Judge SC/ST Act, Begusarai in connection with Bakhari P.S. Case No. 350 of 2018 registered under Sections 341, 323, 307 & 302/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Son of the informant was the tractor driver of Shrawan Sah and his wages was due to said Shrawan Sah. On



the date of occurrence when he arrived at the house of Shrawan Sah for his due wages he started slating him and all the named accused persons including the appellant assaulted his son which proved fatal to him.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant does not happen to be eye witness of the occurrence. The independent witnesses, who happens to be eye witnesses of the occurrence, in paragraphs- 15, 16, 17 & 18 of the case diary have stated that appellant standing at the P.O. was intervening the assault by Shrawan Sah & was calling the people to intervene the occurrence. Appellant has no criminal antecedent and has been languishing in custody since 06.07.2019. Similarly situated co-accused persons, namely, Khatar Sah @ Khattar Sah and others have been enlarged on anticipatory bail by this Court vide order dated 14.08.2019 in Cr. Appeal (SJ) No.886 of 2019.

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



In the facts and circumstances of the case, the above named appellant is directed to be released on bail 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 Act, Begusarai in connection with Bakhari P.S. Case No. 350 of 2018.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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