

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3856 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- SIKARPUR District- West Champaran

1. Berma Soni @ Verma Soni Son of Ramjee Soni Resident of Village - Prakash Nagar, P.S.- Shikarpur, Distt - West Champaran.
2. Raushan Kumar, Son of Chandan Pathak Resident of Village - Prakash Nagar, P.S.- Shikarpur, Distt - West Champaran.
3. Shashi Soni, Son of Berma Soni Resident of Village - Prakash Nagar, P.S.- Shikarpur, Distt - West Champaran.

... .. Appellants.

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

3 13-09-2019 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 25.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 116 of 2019 registered under Sections 341, 323, 324, 307, 379, 504 & 354B of the Indian Penal Code and Section 3(1-r) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was proceeding to the house of Sandhya Devi to accord her Rs.50,000.00, eight named accused persons including the appellants caught him hold, assaulted him by iron rod inflicting several injuries to him and snatched the money. They also tried to strangle him by pressing his neck by means of gamacha. When Sandhya Devi and his mother rushed in his rescue they also slated them in the name of caste and tore their attire.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to animosity and dirty village politics. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The injuries sustained by the informant are bruises and simple in nature caused by hard and blunt substance. There is case and counter case between the parties. Moreover, the parties to the case have compromised the matter. 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 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 116 of 2019, 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)

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