

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3882 of 2019**

Arising Out of PS. Case No.-56 Year-2019 Thana- DARPA District- East Champaran

Bhutta Sahani @ Ramgyani Sahani S/o Maithur Sahani R/o village- Baghi,
P.S.- Darpa, District- East Champaran

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Mishra

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 13-09-2019 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 of anticipatory bail vide order dated 03.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Darpa P.S. Case No.56 of 2019 registered under Sections 147, 148, 149, 447, 341, 323, 325, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

Six named accused persons including the appellant dragging the son of the informant from her house assaulted him by means of lathi, tying his limbs inflicting fracture injury in his right wrist. They also slated him in the name of caste over arriving the daughter of Janak Sahani at the house of the informant.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, the prosecution party has teased the daughter of co-accused Janak Sahani intruding into his house and on protest husband of the informant resorted firing upon the said Janak Sahani and in order to save skin from the said case the informant has lodged this false and frivolous case against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is case and counter case between the parties. There is only one injury on wrist of the victim and not on the vital part. Appellant has 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 appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 1st Additional Sessions Judge cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Darpa P.S. Case No.56 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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