

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3972 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- SC/ST BAGHA District- West Champaran

1. NARESH SAHANI Son of Late Shiv Pujan Sahani Resident of Village-Madanpur, Ward No.13, P.S.-Naurangia, District-West Champaran.
2. Raju Sahani Son of Naresh Sahani Resident of Village-Madanpur, Ward No.13, P.S.-Naurangia, District-West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kr Singh No. 1
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 19-09-2019 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 30.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC & ST/POCSO Act), West Champaran at Bettiah in connection with Bagaha SC & ST P.S. Case No. 11 of 2019 registered under Sections 447, 341, 323, 324 & 506/34 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.

Appellants and two named accused persons dragging the informant at their door and they along with rest two accused persons, namely, Rambha Devi and Prabhawati Devi slated him in the name of caste and assaulted him making him badly injured resultantly he fell senseless and snatched his mobile phone.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to quarrel between the children of both the parties and persons of both the sides have sustained injury in the occurrence. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has sustained simple injury in the occurrence. There is inordinate and abnormal delay of 5 days in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Moreover, 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 (SC & ST/POCSO Act), West Champaran at Bettiah in connection with Bagaha SC & ST P.S. Case No. 11 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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