

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4093 of 2019

Arising Out of PS. Case No.-111 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. Amod Kumar Son of Late Ram Binod Sah Resident of Village- Anjanpir Chauk, Hathsarganj, P.S.- Nagar Hajipur, District- Vaishali.
2. Prabhu Sah Son of Vishwanath Sah Resident of Village- Gauspur Ijra, P.S.- Sadar Hajipur, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudhanshu Shekhar

For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 27-09-2019 Heard learned counsel for the appellants 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 21.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Hajipur, Vaishali in Hajipur Sadar P.S. Case No. 111 of 2019 registered under Sections 323, 341, 307, 354 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(x) of the SC/ST Act.

Appellants along with two unknown miscreants descending at the door of the informant slated him in the name of his caste on lodging the case by the informant and giving



deposition against them, and on the exhortation of the appellant Amod Kumar, appellant Prabhu Sah pointed pistol on his head and obtained signature on some paper forcibly. When his wife Rinku Devi rushed in his rescue, all the accused persons assaulted her by leg and fist and appellant Amod Kumar stripped off her attire while appellant Prabhu Sah resorted firing but, he left unhurt.

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 merely because wife of the appellant Amod Kumar has lodged Complaint Case No. 329 of 2019 against the informant and witness Sanjay Kumar preceding to the case under hand. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Slating the informant is said to have been made at the house of the informant and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. Informant has not filed any case against the appellants rather wife of the appellant Amod Kumar has lodged complaint case against the informant. Aforesaid aspect of the case creates serious doubt about the prosecution case.

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 appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Hajipur, Vaishali in Hajipur Sadar P.S. Case No. 111 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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