

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4317 of 2019

Arising Out of PS. Case No.-170 Year-2016 Thana- AMNAUR District- Saran

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1. DASHARATH SAHANI Son of Sipahi Sahani Resident of Village- Chakki Sohagpur, P.S- Paru, District- Muzaffarpur.
 2. Heera Sahani @ Heeralal Sahani Son of Sipahi Sahani Resident of Village- Chakki Sohagpur, P.S-Paru, District-Muzaffarpur.
 3. Akhilesh Sahani Son of Sipahi Sahani Resident of Village-Chakki Sohagpur, P.S-Paru, District-Muzaffarpur.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dewendra Narayan Singh
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-10-2019 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 bail vide order dated 21.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Saran at Chapra in connection with Amnour P.S. Case No.170 of 2016 registered under Sections 302 & 201/34 of the Indian Penal Code and Section 2 (v) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

Some unknown miscreants are said to have called the informant, her husband, son and daughter near the temple to facilitate the realizing of money under the Indira Aawas Scheme and when the informant arrived there along with her husband and others she did not find anyone there. On regressing to the house seven named accused persons including the appellants caught hold her husband and tying her hand on the back dragged him wrapping cycle tube around his neck and made them to leave the place during the course of assault. Her husband succumbed to injury.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in the case due to animosity and ulterior motive. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Children of the informant, who were present at the place of occurrence at the time of occurrence, have not supported the occurrence. One similarly situated co-accused Veena Devi was enlarged on regular bail by a coordinate Bench of this Court vide order dated 19.05.2017 passed in Cr. Appeal (SJ) No.512 of 2017 perusing the postmortem report and finding inter alia that the



cause of the death cannot be ascertained and it is also not clear that as to how many injuries were found on the person of the deceased. Appellants have no criminal antecedent and have been languishing in custody since 11.05.2019.

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

In the facts and circumstances of the case, the above named appellants are directed to 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 Act, Saran at Chapra in connection with Amnour P.S. Case No.170 of 2016 .

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

(Prakash Chandra Jaiswal, J)

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