

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4258 of 2019

Arising Out of PS. Case No.-227 Year-2019 Thana- CHIRAIYA District- East Champaran

1. PRAMILA DEVI Wife of Bhushan Sahani Resident of Village - Patjilwa, P.S.- Chiraiya, District- East Champaran
2. Mukesh Sahni Son of Bhushan Sahni Resident of Village - Patjilwa, P.S.- Chiraiya, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 22-11-2019 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 28.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, East Champaran, Motihari in Chiraiya P.S. Case No. 227 of 2019 registered under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and Section 3(1)(r) of the SC/ST Act.

Appellants along with two other named accused persons are said to have slated the informant and her family members in the name of their caste and assaulted them and



misbehaved with daughter-in-law of the informant over row of offering worship in the temple.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Injuries sustained by the victims are simple in nature. Informant in her further statement and witnesses in various paragraphs of the case diary have simply stated that the accused persons slated them in the name of their caste but they have not stated about slating them in the specific name of their caste. Appellants have no criminal antecedent.

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, SC/ST Act, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 227 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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