

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4478 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- SC/ST District- Madhubani

1. RAM SAKHI DEVI @ KARYAHI Wife of Shankar Sah Resident of Village-Jhahuri, Police Station-Laukahi, District-Madhubani.
2. Ram Krishna Sah Son of Sukdeo Sah Resident of Village-Jhahuri, Police Station-Laukahi, District-Madhubani.
3. Satya Narayan Sah Son of Adhik Lal Sah Resident of Village-Jhahuri, Police Station-Laukahi, District-Madhubani.
4. Ram Prasad Sah @ Shyam Sundar Sah Son of Chhutaharu Sah Resident of Village-Jhahuri, Police Station-Laukahi, District-Madhubani.
5. Chhote Lal Sah Son of Late Gangai Sai Resident of Village-Jhahuri, Police Station-Laukahi, District-Madhubani.
6. Kailu Sah Son of Late Gangai Sah Resident of Village-Jhahuri, Police Station-Laukahi, District-Madhubani.
7. Shankar Sah Son of Late Gangai Sah Resident of Village-Jhahuri, Police Station-Laukahi, District-Madhubani.
8. Sukhdeo Sah @ Sukdeo Sah Son of Raghuni Sah Resident of Village-Jhahuri, Police Station-Laukahi, District-Madhubani.
9. Ram Nath Sah Son of Shankar Sah Resident of Village-Jhahuri, Police Station-Laukahi, District-Madhubani.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Binod Kumar Sinha
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 18-10-2019 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 anticipatory bail



vide order dated 21.08.2019 passed by learned 1st Additional Sessions Judge, Madhubani in connection with SC & ST P.S. Case No.13 of 2019 registered under Sections 341, 323, 324, 354(B), 504/34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was cutting the grass in her field, appellant Ram Sakhi Devi arriving there forbade her from cutting the grass. On protest made by her said Ram Sakhi Devi called other named accused persons, who arrived there armed with lathi, danda and appellant Sukhdev Sah assaulted her by means of leg, while Shankar Sah and Ram Prasad tore her attire and Ramnath Sah assaulted on her head by means of rod inflicting head injury to her and Shankar Sah snatched her ear-ring.

It is submitted by learned counsel for the appellants that appellants have no concern with the aforesaid case. Appellants have been falsely implicated in the case due to land dispute. Barring injury, which is attributed to the appellant Ramnath Sah, the informant has not sustained any injury. Other allegation levelled against the appellant is not specific rather omnibus in nature. There is delay of four days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellant nos. 3 and 4 have no criminal antecedent while



one more case has been lodged against appellant nos. 1, 2 and 5 to 9 by the informant, in which, the aforesaid appellants are on bail.

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

In the facts and circumstances of the case, all the appellants barring appellant no.9 Ram Nath Sah, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with SC & ST P.S. Case No.13 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

As there is specific allegation of assaulting on the head of the informant by means of rod inflicting head injury to her, against appellant Ram Nath Sah, hence his prayer for bail stands rejected.

Appellant Ram Nath Sah is directed to surrender in the learned court below within a period of six weeks and seeks regular bail and the learned court below shall pass order



considering the facts and circumstances of the case without
being prejudiced by this order.

Accordingly, this appeal stands disposed of.

(Prakash Chandra Jaiswal, J)

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