

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4424 of 2019

Arising Out of PS. Case No.-332 Year-2018 Thana- MAJHAULIA District- West Champaran

1. MANOJ SAH S/o Late Devilal Sah R/o Village- Jaukatiya Nai Dih, P.S.- Majhauria, District- West Champaran
2. Sanu Kumar S/o Shri Rekha Sah R/o village- Jaukatiya Nai Dih, P.S.- Majhauria, District- West Champaran
3. Sandeep Sah S/o Shri Rekha Sah R/o village- Jaukatiya Nai Dih, P.S.- Majhauria, District- West Champaran
4. Prem Kishore Sah S/o Late Asharfi Sah R/o village- Jaukatiya Nai Dih, P.S.- Majhauria, District- West Champaran

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 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 28.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO), West Champaran at Bettiah in connection with Majhauria P.S. Case No. 332 of 2018 registered under Sections 341, 323, 448, 379,



504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (g) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Eight named accused persons including the appellants slating the informant, her husband and children intruded into her house and assaulted them and committed heist of Rs.15,000/- extending threatening to torch their house and asked them to remove their house from the land in question.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. Informant has taken illegal possession of the land of the appellants in the garb of settlement of 3½ decimals of land adjacent to the land of the appellants to her by the Circle Officer, Majhauria. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. None has sustained injury in the occurrence. The allegation of theft is super addition. There is inordinate delay of 11 days in lodging the F.I.R. without assigning any plausible explanation for the



said delay. 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), West Champaran at Bettiah in connection with Majhaulia P.S. Case No. 332 of 2018, 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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