

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4831 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- SC/ST District- Muzaffarpur

-
1. RAKESH SAHANI Son of Sukan Sahani Resident of Village- Nagwara, P.S.- Katra, District- Muzaffarpur.
 2. Manoj Sahani Son of Sukan Manjhi Resident of Village- Nagwara, P.S.- Katra, District- Muzaffarpur.
 3. Pawan Sahani Sonof Late Kishori Sahani Resident of Village- Nagwara, P.S.- Katra, District- Muzaffarpur.
 4. Shital Sahani Son of Late Kishori Sahani Resident of Village- Nagwara, P.S.- Katra, District- Muzaffarpur.
 5. Rital Sahani @ Rit Lal Sahani Son of Late Kishori Sahani Resident of Village- Nagwara, P.S.- Katra, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nachiketa Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-12-2019 Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 23.09.2019 passed in SC/ST P.S.Case No.54 of 2019 dated 3.9.2019 for the offences punishable under Sections 341, 147, 354, 504, 506, 379 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST Act by the learned Special Jduge SC/ST Act, Muzaffarpur whereby and where-under, the



appellants' application for grant of anticipatory bail has been rejected.

As per FIR, when the informant protested playing of gamble in front of his house, all the appellants surrounded him at the Mahavir Temple and abused him by taking caste name. Specific allegation is against appellant no.1 (Rakesh Sahani) that he dragged the informant from the Temple. Further allegation is that appellant no.2 (Manoj Sahani) has disrobed his wife and snatched the golden chain.

Submission of the learned counsel for the appellants is that except the appellant nos. 1 and 2, there are no other specific allegation against the appellants and there is delay in lodging of the FIR.

Heard learned counsel for the State.

Having heard both sides. So far appellant nos. 1 and 2, above named, are concerned, this appeal is dismissed.

So far appellant nos. 3 to 5, above named, are concerned, this appeal is allowed and the impugned order is set aside, let the appellant nos. 3 to 5, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty



five thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Muzaffarpur in connection with SC/ST P.S.Case No.54 of 2019 dated 3.9.2019 subject to condition as laid down under Section 438 of Cr.P.C.

With the above direction, this appeal is disposed of.

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

