

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4709 of 2019

Arising Out of PS. Case No.-129 Year-2017 Thana- DHANAHA District- West Champaran

1. SARYUG KUSHWAHA Son of Late Samshubhag Kushwaha Resident of Village- Murgahwa, P.S.- Dhanha, District- West Champaran.
2. Bipat Kushwaha @ Vipat Mahto Son of Late Samshubhag Kushwaha Resident of Village- Murgahwa, P.S.- Dhanha, District- West Champaran.
3. Prem Kushwaha Son of Sri Saryug Kushwaha Resident of Village- Murgahwa, P.S.- Dhanha, District- West Champaran.
4. Prahlad Kushwaha Son of Sri Saryug Kushwaha Resident of Village- Murgahwa, P.S.- Dhanha, District- West Champaran.
5. Joniya Devi Wife of Sri Saryug Kushwaha Resident of Village- Murgahwa, P.S.- Dhanha, District- West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 05-11-2019 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 18.09.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, West Champaran at Bettiah in connection with Dhanha P.S. Case No. 129 of 2017



registered under Sections 341, 323, 308 & 504/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over dispute of flowing drain and dirty water in the house of the informant by the appellants, all the nine accused persons including the appellants assaulted the son of the informant, namely, Pappu Gond by means of lathi and Prem Kushwaha assaulted on the head of Manoj Gond by means of lathi and they also assaulted the wife, daughter-in-laws and daughter of Sarju and slated the informant.

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 over petty dispute of flowing drainage water. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Victims have sustained simple injury in the occurrence. There is no allegation of slating the informant in the name of caste against the appellants. 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 Act, West Champaran at Bettiah in connection with Dhanha P.S. Case No. 129 of 2017, 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)

Trivedi/-

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

