

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4902 of 2019

Arising Out of PS. Case No.-120 Year-2013 Thana- SC/ST District- Begusarai

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KHALTU SAHNI Son of Late Budhu Sahni Resident of Village- Pakthoul,
Police Station - Teghra, District - Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Zeyaul Hoda
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 18-11-2019 Heard learned counsel for the appellant 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 for bail vide order dated 23.09.2019 passed by learned Special Judge (SC/ST Act), Begusarai in connection with SC/ST P.S. Case No. 120 of 2013 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has purchased a land from one Sayed



Sultan Salauddin and when he rushed to his land to cut the grass two named accused persons including the appellant forbade them from cutting the grass and on protest made by him, appellant slating him in the name of his caste exhorted other accused persons and all the accused persons assaulted him by means of leg and fist slating him in the name of caste. Appellant pointing pistol extended threatening of dire consequences.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. Sayed Sultan Salauddin has lodged Land Dispute Case No.60/12-13 against the informant with the case that he never sold out the said land to the informant rather sold it out to the appellant Khaltu Sahani. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is inordinate and abnormal delay of 10 days in lodging the case without assigning any plausible explanation for the said delay. Appellant has no criminal antecedent and has been languishing in custody since 23.09.2019.

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



In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act), Begusarai in connection with SC/ST P.S. Case No. 120 of 2013.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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