

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5183 of 2019

Arising Out of PS. Case No.-235 Year-2019 Thana- BHARGAMA District- Araria

Munna Sah Son of Dev Narayan Sah Resident of Village - Raghunathpur
Dakshin, P.S.- Bhargama, Distt.- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-12-2019 Heard learned counsel for the appellant and learned
counsel for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the order dated 23.10.2019 passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Araria, in Special Case No. 218 of 2019 arising out of Bhargama P.S. Case No. 235 of 2019, registered for the offences under Sections 147, 149, 341, 323, 307, 353, 188, 379 and 504 of the Indian Penal Code and Section 3(1)(r) of Schedule Caste/ Schedule Tribe (Prevention of Atrocities) Act 1989, whereby the prayer of regular bail has been rejected. The appellant is in custody since 05.10.2019.

Learned counsel for the appellant submits that the present appellant has been falsely implicated in the case due to



previous enmity and grudge. The appellant is languishing in jail since 05.10.2019 and that there is nothing on record to reveal that the appellant had, in fact, tried to take away the seized vehicles. It is further submitted that no case under Section 3(i) (r) of the SC/ST Act is made out in view of the fact that there is no independent witness to support that the occurrence was at public place and in public view where the appellant is alleged to abuse the caste name.

Having heard learned counsel for the appellant and learned counsel for the State, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, S.C./S.T. (P.O.A.) Act, Araria, in connection with Special Case No. 218 of 2019 arising out of Bhargama P.S. Case No. 235 of 2019.

With the aforesaid, the present appeal stands allowed and consigned to records.

(Anjana Mishra, J)

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