

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5250 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- GAUNAHA District- West Champaran

1. SURESH SAH Son of Bhadal Sah Resident of Village - Belwa, P.S.- Gaunaha, District- West Champaran
2. Madan Miya Son of Amin Miya Resident of Village - Belwa, P.S.- Gaunaha, District- West Champaran
3. Munni Devi Wife of Rameshwar Sah Resident of Village - Belwa, P.S.- Gaunaha, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-12-2019 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 16.10.2019 passed in Gaunaha P.S.Case No.64 of 2018 for the offences punishable under Section 147, 148, 149, 186, 341, 323, 332,353, 427,431, 504 of the Indian Penal Code and Section 3(i)(r) of SC/ST Act by the learned Ist Addl. District and Sessions Judge cum Special Judge, SC/ST/POCSO, Bettiah, West Champaran, whereby and where-under, the appellants, application for grant of anticipatory bail has been rejected.

So far prosecution case is concerned, there is allegation against the appellants and other named accused persons as well as 100 unnamed persons that they took out a procession and obstructed the traffic as well as they were also abusing the



passerby and when the informant tried to pacify them , they abused them and also damaged the public property including the police vehicle.

Submission of the learned counsel for the appellants is that no specific allegation has been attributed against any of the appellants and no any caste name has been mentioned.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellants, above named, in the event of their arrest or surrender before the learned court below within a period of three 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 1st Addl. District and Sessions Judge cum Special Judge SC/ST/POCSO Act, Bettiah, West Champaran in connection with Gaunaha P.S.Case No.64 of 2018 subject to condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

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