

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5424 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

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1. VIKAS SAHNI @ VIKAS KUMAR S/o Rajendra Sahni R/o village- Mahuawa, P.S.- Dhaka, District- East Champaran
 2. Ram Narayan Sahni S/o Bhikhari Sahni R/o village- Mahuawa, P.S.- Dhaka, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-12-2019 By way of this memo of appeal, preferred under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, appellants seek for setting aside the order dated 24.10.2019, passed in Kundwa Chainpur P.S. Case No. 39/2019 for the offences punishable under Sections 341, 323, 385, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r) & 3(2)(va) of SC/ST (POA) Act, by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, whereby and whereunder, appellants' application for grant of anticipatory bail has been rejected.

Allegation as per F.I.R. is that appellants went to the PDS shop of the informant and demanded four bags of



foodgrain and when the informant demanded money, appellant no. 1 said to have assaulted the informant by sandal and also abused by taking caste named and appellant no. 2 is also named in the F.I.R.

It has been submitted on behalf of the appellants that appellants have falsely been implicated in this case and appellant no. 1 is student of B.A. and his examination is going to be conducted in near future and so far appellant no. 2 is concerned, no allegation either of assault or of abuse has been attributed to him.

Learned Special P.P. opposed the prayer for pre arrest bail of the appellants.

Having heard both sides, considering the facts and circumstances of the case, so far appellant no. 1 is concerned, I am not inclined to grant the privilege of pre-arrest bail to him.

However, considering the facts and circumstances of the case, this appeal so far appellant no. 2 is concerned is allowed and impugned order with respect to him is set aside and in the event of his arrest or surrender before the court below within six weeks, he is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the



satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari, in connection with Kundwa Chainpur P.S. Case No. 39/2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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