

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.198 of 2020

Arising Out of PS. Case No.-115 Year-2018 Thana- SC/ST District- Araria

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1. Nirmala Devi W/O Ranjan Sah Resident of Village - Kathara, P.S. - Triveniganj, District Supaul.
 2. Ranjan Sah S/O Maheshwari Sah Resident of Village - Kathara, P.S. - Triveniganj, District Supaul.
 3. Sanjay Sah S/O Maheshwari Sah Resident of Village - Kathara, P.S. - Triveniganj, District Supaul.
 4. Neeraj Sah Son of Ranjan Sah Resident of Village - Kathara, P.S. - Triveniganj, District Supaul.
 5. Pramod Sah S/O Late Ramchandra Sah Resident of Village - Jharkaha, P.S. - Narpatganj, District - Araria.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Goutam

For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-11-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed for setting aside the order dated 02-12-2019 passed by learned A.D.J.-I cum Special Judge, Araria in SC/ST Case No. 255 of 2018 (arising out of Araria SC/ST P.S. Case No. 115 of 2018) registered for the offence punishable under Section 307 & other allied sections of the Indian Penal Code and Sections 3/4 of SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.



As per the prosecution case, on the alleged date and time of occurrence, due to land dispute, these appellants came at the door of the informant armed with deadly weapons and stated abusing him by his caste name. Thereafter, it is alleged that appellant no. 2 Ranjan Sah shot fire from his pistol, but anyhow informant could saved himself and the accused persons thereafter looted house-hold articles worth Rs. Two lacs and ornaments of Rs. 50,000/- and also treated him (informant).

It is submitted on behalf of appellants that appellants have been falsely implicated due to land dispute. Allegation is totally false and concocted. No case under SC/ST Act is made out against these appellants, since the alleged occurrence has taken place at the door of the informant. It is further submitted that allegation of theft and abusing the informant are general and omnibus.

However, counsel for the State has opposed the appeal and submitted that there is specific allegation against appellants of abusing informant by caste name and committing loot of house-hold articles. It is further submitted that chargesheet has already been submitted against these appellants after giving them benefit of Section 41-1 of the Cr.P.C.

In view of aforesaid facts and circumstances, I am not



inclined to interfere with the order of learned court below,
whereby the prayer for anticipatory bail was rejected, and as
such, the appeal filed for grant of anticipatory bail to the
appellants stands rejected.

(Prabhat Kumar Singh, J.)

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