

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.964 of 2020

Arising Out of PS. Case No.-428 Year-2019 Thana- NAUTAN District- West Champaran

1. Jhunna Sah @ Jhunnu Sah Son of America Sah Resident of Village - Maniyari, Barhaha, P.S. - Nautan, District - West Champaran.
2. Sunil Kumar @ Sunil Sah Son of Birbahadur Sah Resident of Village - Maniyari, Barhaha, P.S. - Nautan, District - West Champaran.
3. Tuna Sah @ Tuna Kumar Son of Motilal Sah Resident of Village - Maniyari, Barhaha, P.S. - Nautan, District - West Champaran.
4. Dhruv Sah Son of Rajvanshi Sah Resident of Village - Maniyari, Barhaha, P.S. - Nautan, District - West Champaran.
5. Rajvanshi Sah Son of Late Dhuran Sah Resident of Village - Maniyari, Barhaha, P.S. - Nautan, District - West Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondents

Appearance :

For the Appellants : Mr.Bimlesh Kumar Pandey, Advocate
For the Respondents : Mr.Sadanand Paswan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-11-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

The present memo of appeal has been filed for setting aside the order dated 25.01.2020 passed by learned Additional District and Sessions Judge Ist-cum-Special Judge, Bettiah, West Champaran in connection with Nautan (Jagdishpur) P.S. Case No. 428 of 2019, registered under Sections 147, 148, 341, 323, 324, 325, 504 and 506 of the Indian Penal Code and



section 3(i)(r) and 3(2a) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory bail of the appellants has been rejected.

The informant alleged that on 24.10.2019 at about 07.30 am, when he was going to attend the call of nature, his co-villager namely, Jhunnu Sah (appellant no. 1) came and told him to clean his house, on refusal, he abused him by calling his caste name. It is further alleged that while he was coming along with Chandrika Sah on the way, all the accused persons assaulted them by means of lathi, causing injury to the informant. Appellant no. 1 is alleged to have assaulted the informant with Farsa, causing head injury to the informant.

It is submitted on behalf of the appellants that appellants have been falsely implicated. There is general and omnibus allegation against them. Informant has not sustained corroborative injuries. Appellants have got clean antecedent as stated in para 3 of the petition.

Counsel for the State vehemently opposed the prayer for bail and submitted that there is specific allegation of assault by Farsa against appellant no. 1 which is duly supported by the injury report. Out of four injuries, one injury is grievous in nature.



Considering the aforesaid facts, this appeal is allowed and impugned order dated 25.01.2020 with regard to appellant nos. 2, 3, 4 and 5 is set aside.

Let the appellant nos. 2, 3, 4 and 5 (named above), in the event of their arrest, be released on bail on their furnishing bail bonds of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Ist-cum-Special Judge, Bettiah, West Champaran, in connection with Nautan (Jagdishpur) P.S. Case No. 428 of 2019.

So far as appellant no.1 (Jhunna Sah @ Jhunnu Sah) is concerned, there is specific allegation against him of assaulting the informant with Farsa. Therefore, appeal with respect to him is rejected with direction to surrender and seek regular bail which would be disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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