

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1091 of 2020

Arising Out of PS. Case No.-39 Year-2015 Thana- SC/ST BAGHA District- West Champaran

1. RADHEY SHYAM SAH Son of Late Ram Kishun Sah Resident of Village - Mehura, P.S.- Bagha, District - Bettiah.
2. Santosh Sah Son of Late Radha Kishun Sah Resident of Village - Mehura, P.S.- Bagha, District - Bettiah.
3. Jhagru Choudhary Son of Late Dhanpat Choudhary Resident of Village - Mehura, P.S.- Bagha, District - Bettiah.
4. Munna Tiwary Son of Bhatuman Tiwari Resident of Village - Mehura, P.S.- Bagha, District - Bettiah.
5. Tuman Miyan Son of Ruderu Mian Resident of Village - Mehura, P.S.- Bagha, District - Bettiah.
6. Ravi Shankar Sah Son of Radhey Shyam Sah Resident of Village - Mehura, P.S.- Bagha, District - Bettiah.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-10-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 11.7.2019, passed by Additional Sessions Judge I cum Special Judge, SC/ ST POA Act, West Champaran at Bettiah in a case registered for the offence punishable under Sections 504/379 and other allied sections of the Indian Penal Code and Section 3 (i) (x) of the SC/ST Act, whereby anticipatory bail of the



appellants has been rejected.

Allegation against the appellants is that they abused the informant and his uncle by chanting their caste name. They also snatched cycle, some money, wrist watch etc.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case. For the occurrence dated 15.7.2015, FIR was lodged on 8.8.2015 after 23 days of the alleged occurrence without explanation of delay. After investigation police submitted final form dated 29.10.2015 (Annexure 2). However, Court took cognizance and summoned the appellants under the aforesaid sections. Appellants have got no criminal antecedent.

Having regard to the submissions made by the parties, this appeal is allowed and the impugned order is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I cum Special Judge, SC/ST POA Act, West Champaran at Bettiah in Bagha SC/ST Case No. 39/2015, subject to the condition as laid down under Section



438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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