

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1415 of 2020**

Arising Out of PS. Case No.-7 Year-2020 Thana- SC/ST BETTIAH District- West
Champaran

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1. JIUT SAH Son of Sri Budhan Sah Resident of Village - Dharampur, P.S.-
Sathi, Distt.- West Champaran.
 2. Krishna Sah Son of Sri Jiut Sah Resident of Village - Dharampur, P.S.-
Sathi, Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajiv Ranjan, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 09-10-2020 Heard Mr. Rajiv Ranjan, learned counsel for the
appellants and Mr. Binay Krishna, learned Special Public
Prosecutor appearing for the State through video conferencing.

The present appeal is directed against the order dated
08.05.2020 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, S.C. & S.T. Act, West Champaran, Bettiah
in Bail Petition No. 1067 of 2020 arising out of Bettiah S.C. /
S.T. P.S. Case No. 07 of 2020 registered under Section 341, 323,
324, 427, 504, 354-B, 337 / 34 of the I.P.C., Section 3 (i)(r)(ii)
(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act by which the prayer for regular bail of the
appellants has been rejected.



The allegation against the appellants is that the appellant no.- 1 along with other accused persons abused the sister and sister- in- law of the informant by their caste name and also assaulted them and tried to outrage their modesty. The allegation against appellant no. – 2 is that he assaulted the informant by means of peg on his head.

Learned counsel for the appellants submits that both the parties are neighbours, there is dispute between them with regard to passage in which the side of the informant had erected a peg. Learned counsel further submits that the appellants have not committed any offence in the manner alleged and they have falsely been implicated in this case due to enmity between the parties. Learned counsel referring to Annexure – 2 to this appeal submits that injuries caused to the informant have been found to be simple in nature. Learned counsel also submits that appellants are in custody since 19.03.2020.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that both the parties are neighbours, there appears to be a dispute between them regarding passage, the injuries are simple in nature and the appellants are in custody since 19.03.2020, this appeal is allowed and the order dated 08.05.2020 passed by



learned 1st Additional Sessions Judge- cum-Special Judge, SC & ST Act, West Champaran, Bettiah in Bail Petition No. 1067 of 2020 is set aside.

Accordingly, the appellants, above named, are directed to be released on regular 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 1st Additional Sessions Judge - cum-Special Judge, SC & ST Act, West Champaran, Bettiah / court concerned in connection with Bettiah SC / ST P.S. Case No. 07 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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