

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1600 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- SC/ST District- Sitamarhi

-
1. SHATRUGHAN SAH, S/o Kishun Sah Resident of Village-Gadha Dhanushi, P.S.-Runnisaidpur, District-Sitamarhi.
 2. Kiran Devi, W/o Shatrughan Sah Resident of Village-Gadha Dhanushi, P.S.-Runnisaidpur, District-Sitamarhi.
 3. Rajan Kumar, S/o Shatrughan Sah Resident of Village-Gadha Dhanushi, P.S.-Runnisaidpur, District-Sitamarhi.
 4. Amata Kumari, D/o Shatrughan Sah Resident of Village-Gadha Dhanushi, P.S.-Runnisaidpur, District-Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh
For the Respondent/s : Ms. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 02-11-2020 Heard Mr. Pushpendra Kumar Singh, learned

counsel for the appellant and Ms. Usha Kumari, learned

Special Public Prosecutor for the State.

This appeal is directed against the order dated

27.02.2020, passed by the learned 1st Additional District



and Sessions Judge – cum – Special Judge (S.C. / S.T. Act), Sitamarhi in A.B.P. No. 357 of 2020 / 63 of 2020, arising out of Sitamarhi SC/ST P. S. Case No. 04 of 2020, instituted for the offences under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(1) (r) (s) (w) (I) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail has been rejected.

It appears that the appellants are alleged to have abused the informant and his wife and also assaulted her.

From the averments in the F.I.R., it clearly appears to be a dispute with respect to an accommodation loan, which was not being returned.

Apart from this, the occurrence is said to have taken place on several dates, i.e., on 17.01.2020 and 22.01.2020 but the case was lodged only on 04.02.2020, i.e., after about 13 days of the occurrence.



The accusations in the first instance do not inspire confidence.

Considering the afore-stated facts, the order impugned dated 27.02.2020, passed by the learned 1st Additional District and Sessions Judge – cum – Special Judge (S.C. / S.T. Act), Sitamarhi in A.B.P. No. 357 of 2020 / 63 of 2020, arising out of Sitamarhi SC/ST P. S. Case No. 04 of 2020, instituted for the offences under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(1) (r) (s) (w) (I) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is set aside.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



1st Additional District and Sessions Judge – cum –
Special Judge (SC / ST Act), Sitamarhi, in connection
with A. B. P. No. 357 of 2020 / 63 of 2020, arising out
of Sitamarhi SC/ST P. S. Case No. 04 of 2020, subject
to the conditions as laid down under Section 438 (2)
Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

