

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3945 of 2019**

Arising Out of PS. Case No.-165 Year-2014 Thana- UJIYARPUR District- Samastipur

1. MANOJ SAHNI Son of Meghan Sahni Resident of Village - Pattili, West Tole Gawpur, P.S.- Ujiarpur, District - Samastipur.
2. Manish Sahni @ Manish Kumar Son of Manoj Sahni Resident of Village - Pattili, West Tole Gawpur, P.S.- Ujiarpur, District - Samastipur.
3. Kailash Sahni Son of Siya Prasad Sahni Resident of Village - Pattili, West Tole Gawpur, P.S.- Ujiarpur, District - Samastipur.
4. Vikash Sahni Son of Siya Prasad Sahni Resident of Village - Pattili, West Tole Gawpur, P.S.- Ujiarpur, District - Samastipur.
5. Manjay Sahni Son of Raghuwanshi Sahni Resident of Village - Pattili, West Tole Gawpur, P.S.- Ujiarpur, District - Samastipur.
6. Pandit Sahni Son of Gango Sahni Resident of Village - Suryapur Korbaddha, P.S.- Ujiarpur, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Pramod Kumar Singh, Advocate.  
For the Respondent/s : Mr.Binay Krishna, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      31-01-2020                      Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 23.07.2019 by the learned 1<sup>st</sup> Addl. Sessions Judge, Samastipur in A.B.P. No. 1473 of 2019, arising out of Ujiarpur P.S. Case No. 165 of 2014 registered under Sections 341, 323, 325, 379, 427 and 504/34 of the Indian



Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. would reveal that there is allegation of commission of abuse and assault to Ram Kumar Paswan, a member of the Scheduled Caste. By filing a petition at Annexure-2, Ram Kumar Paswan has stated that no such occurrence had taken place against him.

The informant is not a member of the Scheduled Caste. There is general and omnibus allegation of commission of damage and theft as well as assault against the informant.

Learned counsel for the informant opposed the prayer for bail.

Considering the fact that there is no allegation of commission of any offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, hence bar of anticipatory bail is not applicable here. Learned court below has wrongly held that prayer of anticipatory bail is barred. Moreover other allegations are general and omnibus, hence let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two



sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

**(Birendra Kumar, J)**

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