

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4286 of 2019

Arising Out of PS. Case No.-208 Year-2018 Thana- RAMNAGAR District- West Champaran

1. Santosh Sah 29 years S/O Sri Ramesh Sah R/O Village- Fagunahata, P.S.- Ramnagar, District- West Champaran
2. Kanti Devi 45 years W/o Sri Ramesh Sah R/o village- Fagunahata, P.S.- Ramnagar, District- West Champaran
3. Ramesh Sah 50 years S/o Sri Chandrika Sah R/o village- Fagunahata, P.S.- Ramnagar, District- West Champaran

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Advocate

For the Respondent/s : Usha Kumari 1, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 9.8.2019, passed by learned Additional Sessions Judge I cum Special Judge, SC/ST, West Champaran, Bettiah in a case registered for the offence punishable under Sections 323/354 and other allied sections of the Indian Penal Code and Section 3 (i) (r) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

The allegation against the appellants as per the First Information Report is that on 6.7.2018 at about 7 am the appellants, all named in the FIR, assaulted the son of the informant by means of danda and when she came to rescue, she too was assaulted. Appellants also abused her by calling her caste name.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and police



after investigation has submitted final form, whereas the Court differing with the same took cognizance of the offence. There is no injury report on the record to substantiate the allegation. FIR has been filed on 10.7.2018 for the occurrence of 6.7.2018, without explanation of delay. No offence under the SC/ST Act is made out against the appellants.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 9.8.2019 is set aside.

Accordingly, in the event of arrest or surrender by all the three appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I cum Special Judge SC/ST, West Champaran, Bettiah in Ramnagar Police Station Case No. 208/2018, 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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