

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4865 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- SC/ST District- Saran

1. Ganesh Sah @ Ganesh Sa Son of Chathu Sah
 2. Vrij Kishore Sah @ Brij Kishore Sah Son of Late Jagarnath Sah
 3. Mithun Sah @ Mithun Kumar Sah Son of Vrij Kishore Sah @ Brij Kishore Sah
 4. Vikas Sah @ Vikash Kumar Sah Son of Vrij Kishore Sah @ Brij Kishore Sah
- All are Residents of Village- Chaipali, P.S.- Jalalpur, District- Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satya Prakash, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-01-2020

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 20.09.2019 passed by the learned Additional Sessions Judge 1st -cum-Special Judge (S.C./S.T. Act), Saran at Chapra, in A.B.P. No.2675 of 2019, arising out of Saran SC/ST Police Station Case No.45 of 2019 registered under Sections 341/323/504/506/34 of the Indian Penal Code and Section 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Some of the appellants filed Title Suit No.787 of 2018 against the informant and others for declaration of their title over the suit property and for injunction against the defendants from disturbance with the possession of the plaintiffs.

In the background of the aforesaid civil suit, allegation in the FIR that the informant demanded his due wages from the appellants and refused to work in the field of the appellants unless his due wages is paid. For that the appellants abused and assaulted to the informant.

Submission is that just to pressurize in the civil litigation the false case has been lodged. There is no injury or injury report though commission of assault with lethal weapons is alleged.

Considering the background of allegation chances of false implication cannot be ruled out, 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 Code of Criminal Procedure 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 bond of the appellants.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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