

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4996 of 2019

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

1. BABULAL SAH Son of Late Gajadhar Sah
2. Santosh Sah Son of Late Jhabulal Sah
3. Saroj Sah Son of Late Jhabulal Sah
4. Ramayan Sah Son of Late Mathura Sah
All Resident of Village- Madhubani Purvi, P.S.- Sangrampur, District- East Champaran, Motihari.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, SPP
For the Informant	:	Mr. Rajesh Ranjan No.I, Advocate Mr. Atul Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 18-02-2020 Heard learned counsel for the parties.

Appellant No.3 Saroj Sah has already been arrested in this case. Hence, his appeal against refusal of prayer for anticipatory bail is dismissed as infructuous.

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 18.09.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge



(S.C./S.T. Act), East Champaran, Motihari, in A.B.P. No.2118 of 2019, arising out of SC/ST Police Station Case No.45 of 2019, registered under Sections 341/323/406/504/506/34 of the Indian Penal Code and Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the informant was getting boundary wall constructed on the land purchased by him. Appellant Babulal Sah, who was local sarpanch, had done panchaity of the dispute between the two group for the same land and it is said that rupees fifty-four thousand six hundred was deposited with sarpanch to ensure that no one would commit any hindrance in the further construction of the boundary wall.

In the aforesaid background allegation against appellant Babulal Sah of commission of abuse whereas others assaulted to the informant.

Submission is that Babulal has falsely been implicated as he has done the panchaity between the two group. The appellant has got no criminal antecedent.

Learned counsel for the informant opposed the prayer for bail.



Considering the aforesaid fact, let the appellant Babulal Sah, in the event of his 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) 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 appellant 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 appellant.

The appellant shall not leave the country without permission of the trial Court.

Considering the allegation of commission of assault by other appellants, in my view the offence under the provisions of Section 3(2)(Va) read with schedule attached to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out. Hence, their prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act.

In the result, this appeal against the refusal of prayer



for anticipatory bail against appellants, namely, Santosh Sah and Ramayan Sah, has got no merit. Accordingly, it stands dismissed.

(Birendra Kumar, J)

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