

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5463 of 2019

Arising Out of PS. Case No.-690 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

1. Sajjan Sahni, Son of Kishori Sahni Resident of Mohalla - Mithan Sarai, Tole-Soniyapur, P.S.- Ahiyapur, District- Muzaffarpur
2. Manoj Sahni Son of Kishori Sahni Resident of Mohalla - Mithan Sarai, Tole-Soniyapur, P.S.- Ahiyapur, District- Muzaffarpur
3. Suresh Sahni Son of Kishori Sahni Resident of Mohalla - Mithan Sarai, Tole-Soniyapur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar @ S.K.

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 22-01-2020 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 13.11.2019 passed by learned Special Judge, SC/ST Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 690 of 2019, registered under Sections 147, 148, 149, 341, 323, 332, 353, 427, 307, 324 and 327 of the Indian Penal Code, Section 3/4 of Prevention of Damage of Public Property Act and Section 3(i)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Accusation is that in course of patrolling duty, the informant found one motorcycle parked beside the road and its registration number was not visible. The informant made inquiry from the nearby people, but the persons present there did not give any reply. Thereafter, informant being the Officer in Charge asked to other Police personnel to seize the motorcycle and carry the same to the Police Station. In the meantime, petitioners along with seven others having iron rod, belcha, lathi, danda, bricks and stones attacked on the Police party saying that due to checking their illicit trade had been affected and started to cause assault to the informant and other Police personnel in which some Police personnel sustained injuries and they also damaged the Police vehicle. In the meantime, S.P, Muzaffarpur along with escort party reached at the place of occurrence, but they also caused assault to the escort party.

Learned counsel appearing on behalf of appellants submits that while the appellants are named in the F.I.R., but no specific overt act has been attributed against the appellants. The appellants have no criminal antecedent and they are in custody since 19.09.2019.

Having regard to the facts and the circumstances of the case, the appellants, above named, are directed to be



released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST, Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 690 of 2019.

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

(Rajendra Kumar Mishra, J)

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