

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5786 of 2019**

Arising Out of PS. Case No.-16 Year-2019 Thana- SC/ST District- Sheohar

1. Sonelal Sahni, Son of Shiv Kishor Sahni
2. Mukesh Sahni, Son of Bhola Sahni
3. Ganaur Sahni @ Gonaur Sahni, Son of Late Dharkan Sahni
4. Bhola Sahni, Son of Late Dharkan Sahni
5. Shiv Kishor Sahni, Son of Late Dharkan Sahni
All Resident of Village - Tariyani Chhapra Dora tola, P.S.- Tariyani, District
- Sheohar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 06-01-2020 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

The appellants in the present appeal are seeking setting aside of the impugned order dated 05.12.2019 passed by learned Additional District and Session Judge-1st-cum-Special Judge, SC/ST Act, Sheohar in A.B.P. No.416/2019 in connection with Sheohar SC/ST P.S. Case No.16/2019 registered for the offences punishable under Sections 323, 324, 341, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r) 3 (1)(s), 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.



Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case due to previous enmity. Learned counsel submits that there are general and omnibus allegations against all the appellants.

Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellants.

Considering the facts and circumstances of the case wherein there are general and omnibus allegations against all the appellants except appellant no.1, let the impugned order in so far as it relates to the appellant nos. 2 to 5 be set aside and in the event of arrest or surrender of the appellant nos.2 to 5 within a period of four weeks from today, they shall be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST Act, Sheohar, District-Sheohar in connection with Sheohar SC/ST P.S. Case No.16 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

So far as appellant no.1 is concerned, there being an allegation of assault by a Hasua on the hand of the informant who is a member of the scheduled caste, the prayer for anticipatory bail of the appellant no.1 is rejected.

In case, however, the appellant no.1 surrenders and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered independently and without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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