

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.142 of 2020**

Arising Out of PS. Case No.-100 Year-2016 Thana- SAHARGHAT District- Madhubani

1. SANTOSH SAH, S/o Bechan Sah R/o village- Bengara, P.S.- Saharghat, District- Madhubani
2. Sarvesh Sah S/o Bechan Sah R/o village- Bengara, P.S.- Saharghat, District- Madhubani
3. Anil Sah @ Anil Kumar Sah S/o Late Surya Narayan Sah R/o village- Bengara, P.S.- Saharghat, District- Madhubani

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saroj Kumar, Advocate.
For the Respondent/s : Mr.Usha Kumari 1, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

4 30-01-2021 Heard 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 24.07.2019 by the learned 1st Addl. Sessions Judge, Madhubani in A.B.P. No. 669 of 2019, arising out of Saharghat P.S. Case No. 100 of 2016 registered under Sections 341, 323, 325, 379/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant runs Customer Service Centre of North Bihar Gramin Bank. The appellants went there and wanted to



withdraw money relating to their service in MNREGA. Since there was paucity of cash, the appellant Anil Sah allegedly abused the informant by taking caste name and committed assault and there is general and omnibus allegation of commission of assault as well. The witnesses examined by the police at the earliest have stated that no such occurrence had taken place there.

Considering the background of allegation, it cannot be inferred that the appellants committed the act for the reason that informant was a member of scheduled caste rather the reason was non allowing withdrawal of money by the informant who was running Customer Service Centre. Hence, 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 Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.



(b) 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.

(c) The appellants shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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