

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.243 of 2020

Arising Out of PS. Case No.-117 Year-2018 Thana- VAISHALI District- Vaishali

Naresh Sahani Son of Gouri Sahni, Resident of Village - Sorhattha, P.S.-
Vaishali (Belsar O.P.), District- Vaishali

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2021 Heard the learned counsel for the appellant and Shri
Sadanand Paswan, learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 14.03.2019 passed by the learned Additional Sessions Judge-1st cum Special Judge, Hajipur, Vaishali in Anticipatory Bail Petition No. 2782 of 2019 (arising out of Vaishali (Belsari) P.S. Case No. 117 of 2018 registered under Sections 147, 148, 149, 341, 342, 379, 353 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s), 3(2) (va) SC/ST Act, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The allegation levelled by the informant is that the co-accused person namely Dhiraj Sahni had arrived at the office of



the informant along with other accused persons and had created a commotion, whereafter he had assaulted the informant and snatched a sum of Rs.2,000/- from the informant and then the accused persons had fled away.

The learned counsel for the appellant has submitted that the appellant is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the appellant has also submitted that the allegation levelled by the informant of having assaulted the informant and snatching money is against the co-accused Dhiraj Sahni and as far as the appellant is concerned, there is no allegation of any sort of overt act having been indulged in by him.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the appellant and taking into account the fact that a general and omnibus allegation has been levelled against the appellant herein, I deem it fit and proper to direct for release of the appellant on anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from



today, the appellant, above-named, shall be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st cum Special Judge, Vaishali, Hajipur in connection with Vaishali P.S. Case No. 117 of 2018, subject to the conditions as stipulated under Section 438(2) Cr. P.C.

Consequently, the impugned order dated 14.03.2019 passed by the learned Additional Sessions Judge-1st cum Special Judge, Hajipur, Vaishali in Anticipatory Bail Petition No. 2782 of 2019 (arising out of Vaishali (Belsari) P.S. Case No. 117 of 2018 is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

