

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.261 of 2020

Arising Out of PS. Case No.-73 Year-2018 Thana- ADHAOURA District- Kaimur (Bhabua)

1. BALIRAM SAH S/o Kashi Sah R/o village- Koluhan, P.S.- Adhaura, District- Kaimur (Bhabhua)
2. Bajrang Sah S/o Kashi Sah R/o village- Koluhan, P.S.- Adhaura, District- Kaimur (Bhabhua)
3. Bimli Devi W/o Baliram Sah R/o village- Koluhan, P.S.- Adhaura, District- Kaimur (Bhabhua)
4. Tetari Devi W/o Bajrang Sah R/o village- Koluhan, P.S.- Adhaura, District- Kaimur (Bhabhua)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-01-2021 Heard the learned counsel appearing for the appellants and Shri Sadanand Paswan, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 09.12.2019 passed by the learned Additional Session Judge-I-cum-Special Judge, Kaimur at Bhabhua in Anticipatory Bail Petition No. 1226 of 2019 arising out of Adhaura P.S. Case No. 73 of 2018 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of



the appellants for grant of anticipatory bail has been refused.

The allegation is regarding the accused persons including the appellants herein having tried to plough the filed of the informant by their tractor and when the informant had objected, he was assaulted and abused by the accused persons.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the appellants has further submitted that a land dispute is existing in between the parties from before and the same has resulted in false implication of the appellants in the present case. Lastly, it is submitted that a general and omnibus allegation has been levelled against the appellants.

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

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the materials on record, this Court finds that only a general and omnibus allegation has been levelled against the appellants, however, there is no whisper of any caste specific name having been taken by the appellants for the purposes of abusing the informant, hence prima facie no case is made out under the provisions of the



Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, thus I deem it fit and proper to direct for release of the appellants on anticipatory bail.

Accordingly, the appellants, above named, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Session Judge-cum-Special Judge, SC/ST Act, Kaimur at Bhabhua in connection with Adhaura P.S. Case No. 73 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 09.12.2019 passed by the learned Additional Session Judge-I-cum-Special Judge, Kaimur at Bhabhua in Anticipatory Bail Petition No. 1226 of 2019 arising out of Adhaura P.S. Case No. 73 of 2018, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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