

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.359 of 2020**

Arising Out of PS. Case No.-297 Year-2016 Thana- DARBHANGA SADAR District-
Darbhanga

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DEEPAK SAH Son of Ramanand Sah Resident of Village - Muria, P.S.-
Sadar, Distt - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Syed Ehteshamuddin
For the Respondent/s : Mr. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 12-01-2021 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 20.12.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in
connection with Sadar P.S. Case No. 297 of 2016 registered
under Sections 341, 448, 354, 504 & 506/34 of the Indian Penal
Code and Section 3 (x) (i) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



The prosecution case, in brief, is that the appellant along with other accused persons are said to have regressed in the house of the informant and starting slating her. They also tore her garments. Accused Chattu Sah and Mahesh Sah took away certain articles and cash after breaking the box in her house.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. No one has sustained injury in the occurrence. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in connection with Sadar P.S. Case No.297 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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