

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.979 of 2020

Arising Out of PS. Case No.-2 Year-2018 Thana- SC/ST District- Siwan

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NAGENDRA SAH @ NAGEDRA SAH Son of Mishrilal Sah Resident of
Village - Phulwaria, P.S. - Dhanauti O.P., District - Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl. P.P>

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that co-accused Laxmi Sah abused the informant's son by taking his caste name and other accused persons including the appellant assaulted the informant and others by lathi, danda causing injuries to them.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the



present case. General and omnibus allegation has been made. No specific overt act is alleged against the appellant. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 03.02.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan vide A.B.P. No.229 of 2020 in connection with SC/ST P.S. case No.2 of 2018, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with SC/ST P.S. case No.2 of 2018.

Narendra/-

(Sudhir Singh, J)

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