

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2179 of 2020

Arising Out of PS. Case No.-201 Year-2020 Thana- MAHNAR District- Vaishali

1. Premnath Sahni S/o Vishwanath Sahni, Resident of Village-Nayatola Islampur, Ward No.12, Near Gandhi Central Public School, Mahnar, P.S-Mahnar, District-Vaishali.
2. Naresh Sahni @ Naresh Kumar Sahni Son of Vishwanath Sahni, Resident of Village-Nayatola Islampur, Ward No.12, Near Gandhi Central Public School, Mahnar, P.S-Mahnar, District-Vaishali.
3. Amar Nath Sahni @ Amar Sahni Son of Vishwanath Sahni, Resident of Village-Nayatola Islampur, Ward No.12, Near Gandhi Central Public School, Mahnar, P.S-Mahnar, District-Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Nibash Prasad
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 26-02-2021 Heard learned counsel for the appellants and learned
counsel for the State.

The appeal is admitted.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer for bail vide order dated 05.09.2020 passed by 1st Additional Sessions Judge -cum-Special Judge (SC/ST POA Act), Hajipur, Vaishali in connection with Mahnar P.S. Case No. 201 of 2020 registered for offence punishable under sections 447, 341, 323, 504, 379



and 34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act whereby and whereunder the prayer for anticipatory bail made on behalf of the appellants has been rejected.

There is case and counter case from both sides.

In the present case, it has been alleged that Amar Sahni who recently came out from jail along with his brother Naresh Sahni attacked on the victim by lathi. Further allegation has been made to have snatched a golden chain worth Rs.40,000/-

The counter case shows other story.

Looking to the entirety of the matter, the impugned order dated 05.09.2020 is set aside and the appellants above named, in the event of arrest or surrender before the court below within six weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge -cum-Special Judge (SC/ST POA Act), Hajipur, Vaishali in connection with Mahnar P.S. Case No. 201 of 2020, subject to the condition that one of the bailors of the appellants shall be their close relative. The appellants will not induce any witness or tamper with the evidence. The



appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court. In case of failure on two consecutive dates without any valid reason, the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, this appeal is allowed.

(Shivaji Pandey, J)

Mahesh/-

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