

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2146 of 2020**

Arising Out of PS. Case No.-56 Year-2020 Thana- SIKTA District- West Champaran

1. Mukesh Sah S/o Laxman Sah @ Lachhuman Sah
2. Vikash Sah @ Vikesh Sah, S/o Laxman Sah @ Lachhuman Sah
3. Laxman Sah @ Lachhuman Sah S/o Ramlachhan Sah

All are residents of village- Mangalpur, P.S.- Sikta, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER**

3 17-04-2021 Learned counsel for the appellants submits that appellant no.3, namely, Laxman Sah @ Lachhuman Sah has been arrested during the pendency of this appeal and, as such, his prayer for grant of anticipatory bail has rendered infructuous.

Accordingly, this appeal is dismissed as having become infructuous so far appellant no.3 is concerned.

Heard learned counsel for the appellant nos. 1 and 2 and learned counsel for the State.

This appeal is admitted.

This appeal has been filed against the order dated



29.08.2020 passed by learned Additional District and Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran in connection with Sikta P.S. Case No. 56/2020, registered for the offence punishable under Sections 341, 323, 324, 504/34 of the Indian Penal Code and Sections 3 (i) (r) (ii) (v-a) of SC/ST (Prevention of Atrocities) Act by which the prayer of the appellants for grant of anticipatory bail has been rejected.

Allegation against the appellants is to have assaulted the informant's side due to trivial issue of dumping of soil on road, however, counsel for the appellants submits that on trivial issue relating to dumping of soil on road by the informant, the appellants have been falsely implicated in the present case. He further submits that from the FIR, it appears that no case is made out under any section of SC/ST Act, as such, in the present case, SC/ST Act would not be applicable. He further submits that none has sustained any corroborative injury nor there is any injury report on the record. It is urged that the appellants have no criminal history.

Considering the facts and circumstances of the case, let the appellant nos. 1 and 2, above-named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing



bail bonds of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran in connection with Sikta P.S. Case No. 56 of 2020 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with a further condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Shivaji Pandey, J)

V.K.Pandey/-

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