

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2168 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- SC/ST District- Sitamarhi

Sakal Sahni S/o Staram Sahni, Resident of Village- Jamua, P.S.- Bairagnia,
District- Sitamarhi. Appellant/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Kumar
For the Respondent/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 26-02-2021 Heard learned counsel for the appellant 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 02.09.2020 passed by 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 14 of 2020 registered for offence punishable under sections 341, 323, 447, 379, 504, 506/34 of the Indian Penal Code and sections 3 (i) (r) (s)/3(2) (va) of the SC/ST Act whereby and whereunder the prayer for anticipatory bail made on behalf of the appellant has been rejected.

Allegation has been made that all accused persons came and starting assaulting and took the caste name of the informant. When his wife came to rescue her husband, she was



also assaulted.

Learned counsel for the appellant submits that the FIR has been lodged after thirteen days from the date of occurrence without any explanation.

Looking to the facts and circumstances of the case, the impugned order dated 02.09.2020 is set aside and the appellant above named, in the event of arrest or surrender before the court below within six weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 14 of 2020, subject to the condition that one of the bailors of the appellant shall be his close relative. The appellant will not induce any witness or tamper with the evidence. The appellant shall cooperate in the disposal of trial and make himself 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 appellant.

Accordingly, this appeal is allowed.

(Shivaji Pandey, J)

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