

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.300 of 2021

Arising Out of PS. Case No.-692 Year-2013 Thana- MUFFASIL District- West Champaran

1. Bichandi Sah @ Rambabu Sah, Son of Binda Sah Resident of Village- Auriya Kharwa, P.S.- Muffasil, District- West Champaran.
2. Sonu Sah, Son of Bichandi Sah Resident of Village- Auriya Kharwa, P.S.- Muffasil, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur- Advocate

For the Respondent/s : Ms. Usha Kumari-1- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-06-2021 Heard Mr. Surendra Kishore Thakur, the learned Advocate for the appellants and Ms. Usha Kumari-1, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 18.03.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah at West Champaran in connection with Bettiah Mufassil P. S. Case No.692 of 2013, instituted for the offences under Sections 341, 323, 325, 504/ 34 of the Indian Penal Code and Section 3(I)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.



It is alleged in the F.I.R. that the appellants have demeaned the informant and other members of the prosecution party over a small issue of lifting of firewood.

No ground at all has been made out as to why the appellants have been falsely implicated in this case.

The offence howsoever trivial appears to have been made out from the accusation levelled in the F.I.R.

For the reasons aforesaid, I am not inclined to exercise my discretion for granting anticipatory bail to the appellants.

The prayer for anticipatory bail is rejected.

However, if the appellants surrender before the Court below and seek bail, the Court below shall take into account that the occurrence arose out of a trivia and that nobody has been seriously injured in the occurrence and shall pass orders in accordance with law without being prejudiced by the fact that the present appeal on their behalf has not been entertained.

(Ashutosh Kumar, J)

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