

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.67 of 2021

Arising Out of PS. Case No.-145 Year-2020 Thana- SIKARPUR District- West Champaran

1. SATYANARAYAN SAH @ SATAYAN SAH S/o Late Mangal Sah Resident of Village- Jamunia, Ward No.13, P.S.- Shikarpur, District- West Champaran.
2. ANGAD SAH S/o Shambhu Sah Resident of Village- Jamunia, Ward No.13, P.S.- Shikarpur, District- West Champaran.
3. DADAN KUMAR SAH @ DADAN SAH S/o Mahanth Sah Resident of Village- Jamunia, Ward No.13, P.S.- Shikarpur, District- West Champaran.
4. LUVKUSH SAH S/o Satyanarayan Sah @ Satayan Sah Resident of Village- Jamunia, Ward No.13, P.S.- Shikarpur, District- West Champaran.
5. SUGANDH SAH S/o Satyanarayan Sah @ Satayan Sah Resident of Village- Jamunia, Ward No.13, P.S.- Shikarpur, District- West Champaran.
6. DHARMENDRA SAH S/o Shambhu Sah Resident of Village- Jamunia, Ward No.13, P.S.- Shikarpur, District- West Champaran.
7. MOTOR SAH @ MATAR SAH @ PAPPU KUMAR @ PAPPU KUMAR GUPTA S/o Jokhu Sah Resident of Village- Jamunia, Ward No.13, P.S.- Shikarpur, District- West Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 28-10-2021 Heard learned counsel for the appellants as well as
learned Addl. P.P. for the State.

Learned counsel for the appellants is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This is an appeal under section 14 (A) (2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer for bail vide order dated 29.8.2020 passed by learned Additional District and Sessions Judge-1st-cum-Spl. Judge, Bettiah, West Champaran in connection with A.B.P. No. 915 of 2020 arising out of Shikarpur P.S. Case No. 145 of 2020 registered for offence punishable under sections 341, 323, 324, 307, 504/34 of the IPC and Section 3(i)(r) of SC/ST (Prevention of Atrocities) Act, whereby and whereunder the prayer for anticipatory bail on behalf of the appellant has been rejected.

As per allegation, altogether 15 FIR named accused persons including the petitioners attacked Pramod Ram, Samod Ram, Sudan Ram and Sanjay Ram. It has further been alleged that accused persons used to discriminate against the members of informant party as they were belonging to the lower caste.

Learned counsel for the appellants has submitted that there is nothing in the FIR which shows that the appellants humiliated or intimidated the members of informant party due to malicious intention of caste. In FIR it has only been alleged that accused persons attacked the members of informant's side but not even a whisper is there that informant's side has sustained any type of injury. There is also a mention of land disputes in



the FIR.

Considering the submissions of the learned counsel for the appellants, it appears that the FIR does not prima facie reveal the attraction of provisions of SC/ST Act. The impugned order dated 29.8.2020 is set aside and the appellants, in the event of their arrest or surrender within four weeks from today is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge 1st cum Special Judge, Bettiah, West Champaran in connection with A.B.P. no. 915 of 2020 arising out of Shikarpur P.S. Case No. 145 of 2020.

Accordingly, this appeal is allowed.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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