

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.234 of 2021

Arising Out of PS. Case No.-460 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. SANTOSH KUMAR SAH S/O BHIKHARI SAH RESIDENT OF AT SATTI MAHAGAMA, P.O-KERIYA, P.S-KAHALGAON, DISTRICT-BHAGALPUR.
2. ANIL SAH S/O BHIKHARI SAH RESIDENT OF AT SATTI MAHAGAMA, P.O-KERIYA, P.S-KAHALGAON, DISTRICT-BHAGALPUR.
3. SUNIL SAH S/O BHIKHARI SAH RESIDENT OF AT SATTI MAHAGAMA, P.O-KERIYA, P.S-KAHALGAON, DISTRICT-BHAGALPUR.
4. AJAY SAH S/O BHIKHARI SAH RESIDENT OF AT SATTI MAHAGAMA, P.O-KERIYA, P.S-KAHALGAON, DISTRICT-BHAGALPUR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar Sinha
For the Respondent/s : Mr. Bina Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-06-2021 The matter has been taken up through video conferencing.

The learned counsel for the appellants submits that Appellant No.1, Santosh Kumar Sah, appellant No.2, Anil Sah and appellant No.3, Sunil Sah have already been arrested and he seeks permission to withdraw the appeal of appellant No. 1 to 3.

Prayer is allowed.

The appeal of appellant No. 1 to 3 is dismissed as withdrawn.



Heard the learned counsel for the appellant No.4, Ajay Sah, and the learned Special P.P.

The appellant filed this appeal u/s 14A of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 for grant of anticipatory bail against the order dated 01.10.2020 passed by learned Additional Sessions Judge-III-cum- Special Judge (SC/ST) Act, Bhagalpur in Kahalgaon PS case No. 460/2020 registered u/s 341, 323, 308, 354, 504,379/34 of the IPC and u/s 3(I) (r) (s) of the SC/ST Act.

The informant alleged that in the night of 26.07.2020 Ajay Sah and Anil Sah after having taken liquor entered into altercation on the door of the informant. When the informant asked them to go both the accused persons along with others began to assault the informant and abused her by naming her caste.

The learned counsel for the appellant submits that appellant and informant are next door neighbour. They have some verbal altercation and scuffle with each other for which wife of the appellant filed Complaint Case No. 1113/2020 against the informant and her family members. The only injury found on the person of informant is superficial and simple in nature although all the accused persons are alleged to have



assaulted the informant, therefore, the medical version does not support the prosecution case.

Taking into consideration the facts that appellant is next door neighbour of the informant and on account of some dispute both sides entered into verbal altercation and scuffle, I find that the appellant deserves anticipatory bail.

Accordingly, this appeal with regard to appellant No.4 is allowed and the impugned order dated 01.10.2020 to the extent of appellant No.4 passed by learned Additional Sessions Judge-III-cum- Special Judge (SC/ST) Act, Bhagalpur in Kahalgaon PS case No. 460/2020 is set aside. The appellant No.4, namely, Ajay Sah, in the even of his arrest or surrender before the court below within four weeks from the date of receipt of this order shall be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge-III-cum- Special Judge (SC/ST) Act, Bhagalpur in Kahalgaon PS case No. 460/2020, subject to condition laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Jha, J)

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