

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.396 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- KHAIRA District- Saran

1. Hare Krishna Sah S/O Satya Narayan Sah Residence Of Village-Dumari, P.S.-KHAIRA, District-Saran At Chapra.
2. Arjun Sah S/O Satya Narayan Sah Residence Of Village-Dumari, P.S.-KHAIRA, District-Saran At Chapra.
3. Nakul Sah S/O Satya Narayan Sah Residence Of Village-Dumari, P.S.-KHAIRA, District-Saran At Chapra.
4. Sunil Sah @ Sunil Kumar Sah S/O Satya Narayan Sah Residence Of Village-Dumari, P.S.-KHAIRA, District-Saran At Chapra.
5. Vim Sah @ Vim Kumar Sah S/O Satya Narayan Sah Residence Of Village-Dumari, P.S.-KHAIRA, District-Saran At Chapra.
6. Chhathi Lal Sah S/O Late Sitab Sah Residence Of Village-Dumari, P.S.-KHAIRA, District-Saran At Chapra.
7. Bholu Sah @ Uma Shankar Sah S/O Late Sitab Sah Residence Of Village-Dumari, P.S.-KHAIRA, District-Saran At Chapra.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Rajani Kumari
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The matter relates to grant of anticipatory bail to the
appellants in connection with a case registered for the offences



under Sections 147, 148, 341, 323, 324, 379, 504 of the Indian Penal Code and Section 3(ii) (va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons including the appellants assaulted the informant by means of dab, sword, farsa, rod, lathi and danda and they also abused him by taking his caste name.

It has been submitted on behalf of the appellants that the appellants No.1 and 5 to 7 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The injury is on non-vital of the body. There is admitted land dispute between the parties. For the said reason the alleged occurrence had taken place. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the complaint case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 05.10.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Saran at Chapra vide A.B.P. No.1639 of 2020 in connection with Khaira P.S. case No.168 of



2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Saran at Chapra in connection with Khaira P.S. case No.168 of 2020.

(Sudhir Singh, J)

Narendra/-

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