

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4219 of 2021**

Arising Out of PS. Case No.-129 Year-2021 Thana- SISWAN District- Siwan

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AMAN SAH S/o Indradev Sah Resident of Village- Mubarakpur, P.S.- Siswan
(Chainpur), District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 16-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 24.09.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge, Siwan in connection with Siswan (Chainpur) P.S. Case No.129 of 2021, registered under Sections 147, 149, 341, 323, 325, 379 of the IPC and sections 3 (i) (r) (S)/ 3 (2) (va) of the SC and ST Act.

Allegation against the appellant is that he along with other came to the house of the informant and started beating him with lathi, danda and abused him.



It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any such offence. He submits that earlier mother of the appellant lodged a case against the informant and others vide Siwan (Chainpur) P.S. Case No. 139 of 2021 and thereafter present case has been lodged by the informant. He submits that there is case and counter case between the parties. He submits that occurrence took place on 27.05.2021 but FIR was lodged on 01.06.2021 and there is no explanation for such delay. The appellant has no criminal antecedent and he is languishing in custody since 16.09.2021.

There is no specific allegation against the appellant to abuse the informant or his family member by taking caste name, therefore, notice is not required to the informant.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge, Siwan in connection with Siwan (Chainpur) P.S. Case No.129 of 2021.



Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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