

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4985 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- SC/ST District- Vaishali

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1. Sanjai Kumar Sah @ Sanjai Sah S/o Dharam Nath Sah Resident of Village-Araji Sahbajpur, P.S.- Hajipur, District- Vaishali.
 2. Dharm Nath Sah @ Dharam Nath Ram S/o Late Jitan Sah Resident of Village- Araji Sahbajpur, P.S.- Hajipur, District- Vaishali.
 3. Pappu Kumar Sah @ Pappu Sah S/o Ram Nath Sah Resident of Village-Araji Sahbajpur, P.S.- Hajipur, District- Vaishali.
 4. Premjeet Sah @ Premjeet Kumar Sah S/o Ram Nath Sah Resident of Village- Araji Sahbajpur, P.S.- Hajipur, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Subodh Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Prakash Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 02-12-2021 At the outset, learned counsel for the appellants submits that appellants no.1 and 4 have been arrested by the police and he may be permitted to withdraw the present appeal so far as appellants no.1 and 4 are concerned.

Prayer is allowed.

This appeal is dismissed as withdrawn so far as appellants no.1 and 4 are concerned.

Heard learned counsel for the appellants and learned Special P.P. for the State for consideration of anticipatory bail of appellants no.2 and 3.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 09.08.2019, passed by learned Additional Sessions Judge (First)-cum-Special Judge, Hajipur, Vaishali in connection with Hajipur SC/ST Act P.S. Case No.39 of 2018, registered under Sections 447, 341, 342, 323, 380, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) of the SC/ST Act.

The allegation against the appellants is that the appellants abused the informant by naming his caste. All accused persons including the appellants also assaulted the informant with *danda*, rod, *bhala* and *farsa*. The appellants also assaulted the sister of the informant and abused her by naming her caste. Ram Nath Sah and Ram Naresh Sah entered into the house of the informant and took away Rs.75,000/-.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. There is land dispute between the parties. General and omnibus allegations are made against the appellants. It is further submitted that similarly situated co-accused, Ram Naresh Kumar @ Ram Naresh Sah @ Jataha has already been allowed anticipatory bail vide order passed in Criminal Appeal (SJ) No.235 of 2021 on 16.08.2021. The appellants have got no criminal antecedent as stated in para 3 of memo of appeal.



Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the appellants and submitted that the appellants were also involved in the present case. It is further submitted that as the occurrence took place at the outside of the house of the informant, the provisions of SC/ST Act is also applicable in the present matter, therefore, appeal filed for grant of anticipatory bail is not maintainable.

Having considered the facts aforesaid, let appellants no.2 and 3, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, First-cum-Special Judge, Hajipur, Vaishali in connection with Hajipur SC/ST Act P.S. Case No.39 of 2018.

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

(Anjani Kumar Sharan, J.)

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