

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5281 of 2019

Arising Out of PS. Case No.-205 Year-2019 Thana- MAJHAULIA District- West Champaran

1. PRABHU SAHNI Son of Bhikhari Sahani Resident of Village - Karamwa, Ward No.4, P.S.- Majhaulia, Distt.- West Champaran.
2. Shankar Sahni Son of Bhikhari Sahani Resident of Village - Karamwa, Ward No.4, P.S.- Majhaulia, Distt.- West Champaran.
3. Mintu Sahni @ Mithu Sahani Son of Bhikhari Sahani Resident of Village - Karamwa, Ward No.4, P.S.- Majhaulia, Distt.- West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhileshwar Kumar Shrivastva
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-12-2021 Heard learned counsel for the appellants 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 31.08.2019 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 205 of 2019 registered under Sections 341, 323, 379/34 of the Indian Penal Code and Sections 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that the dispute relates to the land dispute, thus no case is made out under the SC/ST Act. He submits that allegation levelled against the appellants is not specific rather general and omnibus in nature. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State opposed the prayer for bail and submits that appellants have taken the caste name of the informant as Harijan.

Considering the facts and circumstances of the case and the fact that no case is made out under the SC/ST Act, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Majhauria P.S. Case No. 205 of 2019, subject to the condition as laid down under Section 438 (2) of



the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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