

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1813 of 2022

Arising Out of PS. Case No.-319 Year-2021 Thana- NAANPUR District- Sitamarhi

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1. Ravindra Kumar @ Bhanta Sah S/O Musafir Sah Resident Of Village- Kauria Raepur, P.S.- Nanpur, District- Sitamarhi, Pin Code- 843326 (Bihar)
 2. Kashi Sahani S/O Jagdish Sahani Resident Of Village- Kauria Raepur, P.S.- Nanpur, District- Sitamarhi, Pin Code- 843326 (Bihar)
 3. Dilip Kumar Sah @ Dilip Sah S/O Kusheshwar Sah @ Kari Sah Resident Of Village- Kauria Raepur, P.S.- Nanpur, District- Sitamarhi, Pin Code- 843326 (Bihar)
 4. Sikindar Sahani S/O Mahendra Sahani Resident Of Village- Kauria Raepur, P.S.- Nanpur, District- Sitamarhi, Pin Code- 843326 (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Bijay Kumar Ram, Sub Inspector of Police, Nanpur Police Station, District- Sitamarhi. Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2022 Learned counsel for the appellants has filed the supplementary affidavit today in the Court mentioning the correct party position.

Learned counsel for the appellants seeks permission to withdraw this appeal with regard to appellant nos. 1 and 2.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn with regard to appellant nos. 1 and 2.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State for consideration of bail



with regard to rest of the appellants.

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 16.02.2022, passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA), Act Sitamarhi in connection with Nanpur P.S. Case No. 319 of 2021, registered under Sections 147, 148, 149, 341, 323, 332, 333, 307, 353, 354, 188, 504, 506 of the IPC and Sections 3(i) (r) (s) (w)/ 3 (2) (va) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that there is general and omnibus allegation levelled against the appellants. Appellants are the members of the mob. He submits that there is no specific overt act against the appellants. He submits that no case under SC/ST Act is made out against the appellants. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

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

Considering the facts and circumstances of the case, let 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 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA), Act, Sitamarhi in connection with Nanpur P.S. Case No. 319 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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