

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2181 of 2022

Arising Out of PS. Case No.-72 Year-2015 Thana- DHANAHA District- West Champaran

Brij Bhan Sah S/O Mahatma Sah Resident of Village- Khotahawa, P.S.-
Dhanaha, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gauri Shankar Thakur
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 01.11.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Dhanaha P.S. Case No. 72 of 2015, Tr. No. 173 of 2018 instituted for the offences punishable under Sections 147, 148, 447, 341, 323, 504 of the Indian Penal Code and Section 3(1)(x) of the SC & ST (Prevention of Atrocities) Act, whereby his prayer for being released on anticipatory bail has been rejected.



The accusations are of making assault and abusing by calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case and in the background of some petty dispute, the present case has been lodged. As per F.I.R, the occurrence took place in the house, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. There is general and omnibus allegation against the appellant. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 01.11.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Dhanaha P.S. Case No. 72 of 2015, Tr. No. 173 of 2018.

Accordingly, this appeal is allowed.



The appellant, above named is directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Dhanaha P.S. Case No. 72 of 2015, Tr. No. 173 of 2018.

(Sunil Kumar Panwar, J)

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