

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3950 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- SATHI District- West Champaran

-
-
1. Sandip Sah.
 2. Sunil Sah both Son Of Laljee Sah Resident Of Village - Dharampur, Ward No.03, P.O.- Dharampur, P.S.- Sathi, Distt.- West Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rina Devi wife of Ram Bachan Gond resident of village- Dharampur, Ward No. 3, P.S.- Sathi, District-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajeev Ranjan Mr. Vikash Kumar Sharan Ms. Nishi Priya
For the Respondent/s	:	Mr. Usha Kumari
For the Res. No. 2		Mr. Abhitabh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 31-03-2022 Mr. Vikash Kumar Sharan, learned counsel submits that the arguing counsel is suffering from fever, therefore, he does not come to this Court. Permission is granted to Mr. Vikash Kumar Sharan to argue in the present appeal.

Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

This is an appeal under section 14A (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 for bail vide order dated 02.08.2021 passed by learned 1st Additional District and Sessions Judge-cum Special Judge, SC/ST (POA) Act, West Champaran at Bettiah in connection with Sathi P.S. Case No.89 of 2021, registered under sections 143, 341, 323, 324, 354, 307, 379, 504, 506 IPC and sections 3(i)(r)(s), ii(va) of SC and ST Act.

The appellants are said to have abused and assaulted the informant by means of Bamboo, sticks, iron rod and Dab resultantly, she received injury.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever taken place. Appellants are quite innocent and have been falsely implicated in the case due to ill-will. He submits that no offence under SC/ST Act is made out against the appellants. The allegation levelled against the appellants are not specific rather general and omnibus in nature. He further submits that the appellants have no criminal antecedent as stated in para-3 of this appeal and they are languishing in custody since 11.07.2021.

Learned Spl. PP for the State and respondent no. 2 oppose the prayer for bail and submit that the injury found upon the



informant is grievous in nature.

Considering the period of custody, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum Special Judge, SC/ST (POA) Act, West Champaran at Bettiah in connection with Sathi P.S. Case No.89 of 2021.

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

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

