

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4688 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- MAHISHI District- Saharsa

RAM NANDAN SAH @ BHAGWANJI SAH @ RAMANAND SAH Son of
Late Shobha Nand Sah Resident of Village - Mahesraho, P.S.- Mahishi, Distt.-
Saharsa.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajeeva Roy, Sr. Advocate Mr.Shashank Shekhar Sinha, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-03-2022 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Though, in compliance of the court's order dated 13.01.2022 passed in Analogous case being Cr.Appeal (SJ) No.4442 of 2021, notice was issued upon the respondent no.2 and has been served validly, as per office notes but today when the case is called out, nobody appears on behalf of the respondent no.2. As such, no separate notice is required to be issued.

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 for bail vide order dated 20.08.2021, passed by learned Additional Sessions Judge



-III-cum- Special Judge, SC/ST (POA) Act, Saharasa, in connection with Spl. Case No.126/2020, arising out of Mahishi P.S. Case No.181/2020, registered under sections 147, 148, 149, 341, 323, 307, 354A, 324, 379, 504, 506 of the IPC, 27 of the Arms Act and sections 3(1)(r)(s) of the SC/ST (POA) Act.

Allegedly, on the alleged date of occurrence, when the informant's father was making hedge of the field, all the accused persons including the appellant came there with deadly weapons and abused him by taking caste name and asked for extortion money for making the hedge. On protest, they started assaulting the father of the informant and when the informant as well as his mother came for rescue, they were also assaulted by the accused persons.

It is submitted by learned senior counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to local village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is a land dispute between the parties and in the alleged occurrence, both sides have sustained injuries. There is case and counter-case between the parties. The appellant has no criminal antecedent and it is submitted by learned senior counsel that the appellant



has been languishing in custody since 10.03.2021.

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

In the facts and circumstance of the case, since both sides have sustained injuries, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -III-cum- Special Judge, SC/ST (POA) Act, Saharasa, in connection with Spl. Case No.126/2020, arising out of Mahishi P.S. Case No.181/2020.

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

(Anjani Kumar Sharan, J)

pallavi/-

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

