

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4725 of 2021

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

-
1. Pramod Sah @ Digambar Sah @ Digambar Dinkar S/O Late Shobha Nand Sah R/O Village- Mahesraho, P.S.- Mahishi, District- Saharsa
 2. Sanjay Sah S/o Jaynandan Sah R/o village- Mahesraho, P.S.- Mahishi, District- Saharsa

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashank Shekhar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-04-2022 Learned counsel for the appellants has filed the supplementary affidavit today in the Court.

Let it be kept on record.

Heard learned counsel for the appellants, informant and learned Special Public Prosecutor for the State.

Though, notice was issued upon the respondent no. 2 in Cr. APP No. 4442 of 2021 but nobody appears on his behalf. The present appeal also arises to the same P.S. Case number.

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 28.07.2021, 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, section 27 of the Arms Act and sections 3(1)(r)(s) of the SC/ST 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 appellants 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 counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to local village politics. The allegation levelled against the appellants 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. He submits that similarly situated co-accused have already been granted bail by this Court vide order dated 31.03.2022 passed in Cr. APP No. 4442 of 2021. The



appellants have no criminal antecedent and have been languishing in custody since 02.06.2021.

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 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 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)

devendra/-

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

