

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.101 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- PALANWA District- East Champaran

1. PREM CHANDRA SAH Son of Ganesh Sah Resident of Village- Pakhnahiya, P.S.- Palanwa, District- East Champaran.
2. Surendra Sah Son of Ganesh Sah Resident of Village- Pakhnahiya, P.S.- Palanwa, District- East Champaran.
3. Shiv Lochan Sah S/o Late Sukhdeo Sah Resident of Village- Pakhnahiya, P.S.- Palanwa, District- East Champaran.
4. Prabhawati Devi W/o Bhikhari Sah Resident of Village- Pakhnahiya, P.S.- Palanwa, District- East Champaran.
5. Sunaina Devi W/o Virendra Sah Resident of Village- Pakhnahiya, P.S.- Palanwa, District- East Champaran.
6. Lalita Devi W/o Surendra Sah Resident of Village- Pakhnahiya, P.S.- Palanwa, District- East Champaran.
7. Renu Devi W/o Shiv Lochan Sah Resident of Village- Pakhnahiya, P.S.- Palanwa, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Banarasi Thakur Son of Late Jagarnath Thakur Resident of Village- Pakhnahiya, P.S.- Palanwa, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhurendra Kumar
For the Respondent/s : Mr. Binay Krishna
Mr. Ram Adya Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 26-09-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

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 22.11.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), East Champaran at Motihari in connection with Palanwa P.S. Case No. 137 of 2021, registered under Sections 341, 323, 324, 307, 354, 504 and 34 of the Indian Penal Code and subsequently Section 302 of the I.P.C added and Sections 3(1) (a) (r) (s)/ 3(2) (iv) (v) of SC/ST Act

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. He submits that there is case and counter case between the parties and both sides have sustained injury. He submits that the injuries are simple in nature. He submits that there is path dispute between the parties. He submits that one person died from the informant's side but the post-mortem report says that death was due to 'Cardio Pulmonary Arrest due to underlying lungs disease'. He further submits that appellants have no criminal antecedent as stated in para-3 of this application.

Learned Special Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that both sides have sustained injuries and injuries are simple in nature, 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 learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), East Champaran at Motihari in connection with Palanwa P.S. Case No. 137 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

ajay/-

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

