

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.810 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- PANCHRUKHI District- Siwan

1. Munna Kumar Sah @ Munna Sah S/O Late Bachan Sah Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.
2. Vikash Sah @ Vikash Kumar Sah S/O Kanchan Sah Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.
3. Sajindra Sah S/O Sakhichandra Sah Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.
4. Tilak Sah S/O Rajbalam Sah Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.
5. Mukesh Kumar @ Mukesh Sah S/O Kanchan Sah Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.
6. Jagdish Sah S/O Ram Autar Sah Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.
7. Indradev Sah S/O Rajbalam Sah Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.
8. Umesh Sah S/O Sakhichand Sah Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.
9. Akash Sah S/O Kanchan Sah Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jai Kumar Ram S/O Jit Narayan Ram Resident Of Village- Sarauti, P.S.- Pachrukhi, District- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Nikesh
For the Respondent/s	:	Mr. Sadanand Paswan
For the Res. No. 2		Mr. Ajay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellants, 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 20.12.2022, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Pachrukhi P.S. Case No. 289 of 2022, registered under Sections 341, 323, 385, 504, 506 of the IPC and Sections 3(i) (r)(s)(w)/3(2)(va) of SC/ST Act.

The appellants are said to have abused the informant by taking caste name. They also demanded extortion of Rs. 2 lakh and snatched Rs. 10,000/- from his pocket.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that earlier the appellants have filed a Mutation Cancellation Case No. 23/22-23 against one Vidhya Bhushan Dubey for cancellation of mutation. He submits that the instant FIR has been lodged by the informant, who is Bataidar of Vidhya Bhushan Dubey only with intention to make pressure upon the appellants to withdraw the mutation case. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.



However, learned Special P.P. for the State and learned counsel for the respondent no. 2 oppose the prayer for bail and submit that there is specific allegation against the appellants to abuse the informant by taking caste name.

Considering the facts and circumstances of the case, 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 the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Pachrukhi P.S. Case No. 289 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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