

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1189 of 2023

Arising Out of PS. Case No.-542 Year-2022 Thana- SUGAULI District- East Champaran

1. Sanjay Sah Son of Mahabir Sah Resident of Village - Chapra Bahas, P.O. and P.S.- Sugauli, District - East Champaran
2. Ajeet Sah @ Ranjeet Sah Son of Mahabir Sah Resident of Village - Chapra Bahas, P.O. and P.S.- Sugauli, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandrika Ram Son of Late Ram Dhari Ram Resident of village - Chhapra, Bahas, Ward No.- 5, P.O. and P.S.- Sugauli, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pravin Kumar, Advocate
For the Respondent/s : Ms .Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the appellants, learned counsel appearing on behalf of the Respondent No. 2 as well as learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 06.02.2023 passed by the learned Special Judge, SC/ST (P.O.A.) Act, East Champaran, Motihari in connection with Sugauli P.S. Case No. 542 of 2022, F.I.R. dated 19.12.2022 registered under Sections 341, 323, 324, 325, 354, 379, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.



According to the prosecution case, these appellants along with other accused persons have assaulted the informant and his family members due to some land disputes between them.

Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and due to admitted land dispute, the present occurrence has taken place in the land of the appellants. He further submits that the present case is the counter blast of Sugauli P.S. Case No. 541 of 2022. He further submits that the injury report of the injured persons suggests that the injuries are simple in nature. He further submits that the police, after investigation, submitted charge sheet against the appellants. The appellants are in custody since 05.01.2023.

Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that the appellant no.1, namely, Sanjay Sah carries one criminal antecedent and appellant no. 2, namely, Ajeet Sah carries two criminal antecedents other than the



present one.

Considering the facts and circumstances of the case, let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (P.O.A.) Act, East Champaran, Motihari in connection with Sugauli P.S. Case No. 542 of 2022, with other following conditions:-

1. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the



above-mentioned order shall not be delayed for purpose of
or in the name of verification.

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

(Rajesh Kumar Verma, J)

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