

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1825 of 2022

Arising Out of PS. Case No.-263 Year-2020 Thana- SONBERSA District- Sitamarhi

NAGENDRA SAH @ NAGENDRA PRASAD S/o Late Ram Awtar Sah R/o
village- Maliyabari, P.S.- Bela, District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Talewar Baitha S/o Mahendra Bhaitha R/o village- Maliyabari, P.S.- Bela,
District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hans Lal Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Notice has been issued to the respondent no.2 but the office points out that the respondent no.2 refused to receive the notice. Therefore, notice shall be treated as validly served upon respondent no.2.

Learned counsel for the appellant undertakes to remove the defects within four weeks.

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 of anticipatory bail vide order dated



06.04.2022 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi in connection with Sonbarsa P.S. Case No.263 of 2020, registered under Sections 341, 323, 379, 504, 34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Sitamarhi.

The allegation against the appellant is that he abused the informant by taking caste name. The appellant assaulted the informant on his head by means of iron rod.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. He further submits that there is a compromise between the parties and has annexed the compromise petition as Annexure-2 of the bail application. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

In the facts and circumstances of the case, let the above named appellant, in the event of his arrest or surrender before



the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi in connection with Sonbarsa P.S. Case No.263 of 2020, 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)

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