

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2016 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- ANDHRAMATH District- Madhubani

1. Deependra Sah @ Deependra Kumar Sah Son of Late Banvali Sah R/O Village - Dharhara, P.S.- Andharamath, District - Madhubani.
2. Shankar Kumar Sah @ Shankar Kumar Son of Surendra Sah @ Surendra Prasad Sah R/O Village - Dharhara, P.S.- Andharamath, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Budheshwar Paswan Son of Late Chinai Paswan R/O Village - Dharhara, Ward No.- 14, P.S.- Andharamath, District - Madhubani.

... .. Respondent/s

WITH
CRIMINAL APPEAL (SJ) No. 2046 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- ANDHRAMATH District- Madhubani

Surendra Sah @ Surendra Prasad Sah Son of Late Banvali Sah R/O Village - Dharhara, P.S.- Andharamath, District – Madhubani. Appellant/s

Versus

1. The State of Bihar
2. Budheshwar Paswan Son of Late Chinai Paswan R/O Village - Dharahara, Ward No.- 14, P.S.- Andharamath, District - Madhubani.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2016 of 2024)

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

(In CRIMINAL APPEAL (SJ) No. 2046 of 2024)

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-12-2024 As both these appeals have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.



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

3. Learned Special Public Prosecutor for the State has informed that in compliance of the orders dated 13.06.2024 and 30.05.2024, he has informed the informant but none is present of his behalf.

4. 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 14.03.2024 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Madhubani in connection with Andharamath P.S. Case No. 12 of 2024 registered under Sections 341, 323, 324, 354B, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (s) (r) (w)/ 3 (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. All these appellants in association of co-accused, Tribhuvan Sah are said to have assaulted the informant and his wife. They also abused by taking their caste name.

6. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. The allegation of assault levelled against the



appellants is not specific rather general and omnibus in nature. The specific allegation is against co-accused, Tribhuvan Sah. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

7. Learned Special Public Prosecutor for the State opposed the prayer for bail.

8. In the facts and circumstances of the case as well as the fact that the allegation against these appellants are general and omnibus in nature, 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 released 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 Addl. Sessions Judge cum Special Judge (SC/ST Act), Madhubani in connection with Andharamath P.S. Case No.12 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. Accordingly, the impugned order is set aside and both these appeals are allowed.

(Anjani Kumar Sharan, J)

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