

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4265 of 2023**

Arising Out of PS. Case No.-21 Year-2023 Thana- SC/ST District- East Champaran

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1. Jairam Sah Son Of Late Harihar Sah Resident Of Village - Konhawa Tola Bishunpur, P.S. - Ghorasahan, District - East Champaran
  2. Jitendra Sah Son Of Jairam Sah Resident Of Village - Konhawa Tola Bishunpur, P.S. - Ghorasahan, District - East Champaran
  3. Madan Sah Son Of Jairam Sah Resident Of Village - Konhawa Tola Bishunpur, P.S. - Ghorasahan, District - East Champaran
  4. Rahul Kumar Son Of Jairam Sah Resident Of Village - Konhawa Tola Bishunpur, P.S. - Ghorasahan, District - East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pramod Baitha Son Of Shivshankar Baitha Resident Of Village - Konhawa Tola Bishunpur, P.S. - Ghorasahan, District - East Champaran

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Abhishek Kumar  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      07-02-2024                      Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

2. 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 10.08.2023, passed by learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with SC/ST P.S. Case No. 21 of 2023, registered under Sections 147, 341, 323, 324, 427, 504, 506 of the IPC and Sections 3(i) (r) (s), 3 (2) (va) of SC/ST



Act.

3. Appellants are said to have abused the informant and also assaulted him by means of Dabiya.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that the injury found upon the victim is simple in nature. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

5. However, learned APP for the State and learned counsel for the respondent no. 2 oppose the prayer for bail submit that there is specific allegation upon the appellant no. 1 to assault the informant by means of Dabiya.

6. Considering the facts and circumstances of the case and the fact that the injury found upon the victim is 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 the learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with SC/ST P.S. Case No. 21 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Anjani Kumar Sharan, J)**

devendra/-

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