

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2836 of 2017

=====

1. Sita Devi, W/o Punit Sahani,
2. Punit Sahni Son of Late Amari Sahani,
3. Sabal Sahni Son of Bindeshwar Sahani,
4. Sunaina Devi W/o Bindeshwar Sahani,
5. Bindeshwar Sahani S/o Late Daroga Sahani, All are R/o Village- Jaimal
Dumri, P.S.- Paroo, District- Muzaffarpur.

.... Appellants

Versus

1. The State of Bihar.
2. Lakhindra Paswan, Son of Late Sukul Paswan, Resident of Village-
Kubauli Sahmohammad, P.S.-Paroo, District-Muzaffarpur.

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Ravi Ranjan, Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1,APP.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 12-12-2017

Heard learned counsel for the parties.

This is an appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Special Judge-cum-Additional District Judge Xth, SC/ST Act, Muzaffarpur in connection with Tr.No. 306 of 2016 arising out of Complaint Case No. 803 of 2015 registered under Sections 147, 323, 504 of the Indian Penal Code as well as under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

The complaint based allegation reveals that there is land dispute between the petitioner and one Sita Devi. The



complainant was assisting the Amin in the measurement of the land. At the same time, the appellants reached there and abused to the complainant as well as committed assault.

Submission of the learned counsel for the appellants is that this malicious prosecution has been instituted at the instance of the appellants.

Learned counsel for the appellants further submits that the informant had lodged a complaint before the police, which was enquired and recommendation for initiation of proceeding under Section 107 Cr.P.C was made by the police. Thereafter, the complaint has been filed.

Considering the background of allegation as well as the fact that there is no material to substantiate the appellants committed the act alleged for the reason that the complainant was a member of Scheduled Castes and Scheduled Tribes. Hence in my view, the appellants deserve for anticipatory bail.

Accordingly, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with



Complaint Case No. 803 of 2015, Tr.No. 306 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

