

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3413 of 2018**

Arising Out of PS. Case No.-109 Year-2015 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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1. Mukhia Azim @ Md. Azim son of Late Ganni.
  2. Mahabir Sahni son of Ramjee Sahni.
  3. Ramchandra Sahni son of Late Keshabar Sahni.
  4. Ram Sevak Sahni son of Late Keshabar Sahni.
  5. Ram Bahadur Sahni son of Keshabar Sahni.
  6. Anil Sahni @ Anil Kr. Sahni son of Ram Chandra Sahni.
  7. Nathuni Sahni son of Late Baleshwar Sahni.
  8. Sonelal Sahni son of Gani Sahni.
  9. Nakki Sahni @ Nanki Sahni son of Lalu Sahni.
  10. Dukhani Devi wife of Ram Bahadur Sahni.
  11. Kabutari Devi wife of Ram Chandra Sahni.
  12. Pinki Kumari W/o Anil Sahni @ Anil Kr. Sahni
  13. Ganga Devi D/o Sonelal Sahni. All resident of Village-  
Rahimpur Rudauli P.S. Mufassil Samastipur, District-  
Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Lovekush Kumar, Adv |
| For the Respondent/s | : | Mr. Binay Krishna, SPP  |

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 04-12-2018**

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 26.04.2018 in A.B.P. No.237 of 2018 passed by the learned 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge SC/ST, Samastipur in connection with Samastipur Muffasil



P.S.Case No. 109 of 2015 registered under Sections 341,323,307,384,379,109,504,506/34 of the Indian Penal Code and Sections 3(x) of the Scheduled Castes and Scheduled Tribes Act.

For land dispute, civil suit is going on between the parties. However, the FIR reveals that the informant had called for a Panchayati and the land was being measured for outside settlement of the matter. Allegation is that the appellants variously armed came thereat and committed abuse and assault against the driver of the informant, who is a member of the scheduled caste.

Submission is that the informant is not a member of the scheduled caste nor there is any motive alleged against the appellants for commission of assault against the driver rather driver has been set up just to make out a case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. This is a clear case of abuse of the process of law.

Finding substance in the submission aforesaid, 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 the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further 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, the impugned order is set aside and this appeal stands allowed.

**(Birendra Kumar, J)**

Nitesh/-

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| AFR/NAFR          | NAFR       |
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