

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.890 of 2019

Arising Out of PS. Case No.-213 Year-2018 Thana- PAKRIDAYAL District- East Champaran

1. Bhushan Sahani @ Nhushan Sahani @ Bhushan Kumar Son of Sri Chulhai Sahani Resident of Village - Sirha Tola, Katas, P.S.- Pakri Dayal, District- East Champaran
3. Rinku Devi Wife of Chulhai Sahani @ Baliram Sahani Resident of Village - Sirha Tola, Katas, P.S.- Pakri Dayal, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 24-06-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 04.02.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge- SC/ST, East Champaran at Motihari in Pakri Dayal P.S. Case No. 213 of 2018 registered under Sections 341, 323, 354, 324, 307, 506, 504/34 of the Indian Penal Code and Section 3(i)(a)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with two other accused persons



are said to have assaulted the informant and Bhushan Sahani and Chulhai Sahani also thrust *danda* in her genital organ and tore her blouse in order to outrage her modesty over row of taking money on interest from Bhushan Sahani by the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in this case by the informant in order to grab money of the appellants taken by the informant. Allegation levelled against the appellants is not specific rather general and omnibus in nature. No injury on the genital organ of the informant was found by the doctor while other injuries are on non-vital part. Two witnesses in the case diary have unanimously stated that there was no assault and only there was squabbling between the parties over the money. Appellants have no criminal antecedent, hence, they may be enlarged on bail.

Per contra, learned Spl. PP for the State opposing the bail prayer of the appellants submitted that all the accused persons named in the FIR have assaulted the informant by means of lathi over row of return of money allegedly taken by the informant from the appellants. Doctor has found altogether three bruise injuries on the person of the victim and opinion



regarding the injuries is reserved. As the informant happens to be person of Scheduled Caste community and has been thrashed by the appellants, hence, anticipatory bail is barred under Section 18 of the SC/ST Act.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Accordingly, their prayer is rejected.

However, appellants are directed to surrender before the court below within six weeks and seek regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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