

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.156 of 2020**

Arising Out of PS. Case No.-138 Year-2018 Thana- NAUTAN District- West Champaran

1. LALAN SAH @ ARUN SAH @ ARUN KUMAR Son of Sheo Sah Resident of Village - Sheorahi Mathiya, P.S.- Jagdishpur, Distt - West Champaran.
2. Manju Devi Wife of Lalan Sah @ Arun Sah @ Arun Kumar Resident of Village - Sheorahi Mathiya, P.S.- Jagdishpur, Distt - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7
For the Respondent/s : Mr.Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 17-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Nautan (Jagdishpur) P.S. Case No. 138 of 2018 registered for the offences under Sections 341, 323, 324, 354, 504, 34 of the Indian Penal Code and 3(i)(r), 3(ii)(v-A) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the accused persons came to the house of the informant and assaulted her



due to which she sustained injury.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is no injury report on record to support the allegations made in the F.I.R. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 24.09.2019 passed by the learned 1st Additional District & Sessions Judge-cum- Special Judge, Excise (SC/ST/POCSO), Bettiah, West Champaran in A.B.A. No. 2258 of 2019 in connection with Nautan (Jagdishpur) P.S. Case No. 138 of 2018, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of



learned 1st Additional District & Sessions Judge-cum- Special Judge, Excise (SC/ST/POCSO), Bettiah, West Champaran in connection with Nautan (Jagdishpur) P.S. Case No. 138 of 2018.

(Sudhir Singh, J)

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