

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1367 of 2021

Arising Out of PS. Case No.-170 Year-2020 Thana- PATEPUR District- Vaishali

1. Rajeev Sahni, aged about 23 years, Gender (Male), S/O Late Lakshman Sahni and Janki Devi, R/O Village-Sultanpur, Chak Harihar, P.S-Patepur, District-Vaishali.
2. Subodh Sahni, aged about 18 years, Gender (Male), S/O Raja Ram Sahni, R/O Village-Sultanpur, Chak Harihar, P.S-Patepur, District-Vaishali.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants	:	Mr. Ravish Mishra, Advocate.
For the Respondent	:	Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Patepur P.S. Case No. 170/2020, registered for the offences under Sections 147, 148, 302, 341, 323, 504, 506 of the I.P.C. and 3(1)(r)(s) of the SC/ST Act.

The prosecution case, in short, is that on 07.08.2020, co-accused Dipak Sahani came to the shop of the informant and demanded a bottle of Sprite cold drink amounting to Rs. 90/- on



credit, which he refused and after this he was assaulted and abused by co-accused Dipak Sahani, Manoj Sahani and Janki Devi (mother of appellant no. 1) by taking his caste name. In this altercation, his handicapped father Mohan Choudhary intervened and then he was also assaulted by the above named accused persons and after informing the police, the informant got himself admitted to Primary Health Centre at Patepur alongwith his father for treatment and in course of treatment, his father died. Co-accused Deepak Sahani also assaulted his wife and took away gold items from his house. On the instruction of Janki Devi, they were assaulted by the appellants and family of the appellants and 50 unknown persons belonging to the caste of the appellants.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against them. No weapon is said to have been used in course of occurrence. The case was instituted after two days of the alleged occurrence. The Investigating Officer after investigation has submitted police



report which has been brought on record, annexed as Annexure-5 to the supplementary affidavit. As far as offence under Section 302 of the I.P.C., the same has been found to be false and the charge sheet has been submitted in the present case under Sections 143, 341, 323, 504 and 506 of the I.P.C. alongwith offence under under Sections 3(1)(r)(s) of the SC/ST Act. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted 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 05.01.2021, passed in A.B.P. No. 22/2021, arising out of Patepur P.S. Case No. 170/2020 by learned First Additional District and Sessions Judge-cum-Special Judge, Vaishali, Hajipur, is set aside. The criminal appeal is allowed.

Let the appellants above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned First Additional District and Sessions Judge-cum-Special Judge, Vaishali, Hajipur, in connection with Patepur P.S. Case No. 170/2020.



Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

U.K./-

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

