

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1245 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- CHANDAUTI District- Gaya

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1. Santosh Kumar, Son of Shyamlal Tanti
 2. Lakhan Tanti, Son of Barho Tanti
 3. Sudama Devi @ Sudamiya Devi, W/o Sakhi Chand Yadav @ Sakhi Chand
 4. Sakhi Chand Yadav @ Sakhi Chand, Son of Jagdish Yadav
 5. Ajeet Kumar @ Ajit Kumar, Son of Tulsi Prasad Tanti
 6. Suman Kumari, W/o Bhushan Kumar
- All are resident of Village - Kujapi, P.S. - Chandauti, Distt. - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar, Adv.
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-08-2021

Heard Mr. Shailesh Kumar, the learned

Advocate for the appellants and the learned Special
Public Prosecutor for the State.

The appellants have challenged the order dated
22.12.2020 passed by the learned Special Judge, SC/ST,
Gaya in connection with Chandauti P.S. Case No. 239 of
2020, instituted for the offences under Sections 341,
323, 354, 504, 506 and 34 of the Indian Penal Code,
Section 3/4 of the Prevention of Witch (Daain) Practice
Act and Section 3(1)(r)(s) of the S.C./S.T. (Prevention



of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged in the F.I.R. that the appellants have abused and assaulted the informant and after stripping her and her daughter-in-law, made her roam in the village on the charge of witchcraft.

Hence, the accusation.

It has been submitted on behalf of the appellants that an absolutely false case has been lodged against them after three days of the occurrence. A function was to be held in the house of appellant No. 2, but the informant had tied her goat at the site of the *Pandal*. This is the genesis of the fight between two groups of agnates in which some of the persons had received superficial injuries. Only in order to avenge the aforesaid occurrence, this false case has been instituted. It has further been submitted that during the course of investigation, the accusation with respect to witchcraft and stripping the informant and her daughter-in-law was not found to be correct. The dispute actually was of a



very trivial nature.

On these facts, it has been argued, that the offence under the SC/ST (Prevention of Atrocities) Act cannot be made out.

Regard being had to the facts afore-stated, the order dated 22.12.2020, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Gaya in connection with Chandauti P.S. Case No. 239 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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