

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.298 of 2020

Arising Out of PS. Case No.-12 Year-2017 Thana- SC/ST District- Sitamarhi

1. RAM KISHORE SAHANI Son of Late Shivnandan Sahani Resident of Village - Nonahi (Nunahi), P.S. - Parihar, District - Sitamarhi.
2. Prema Sahani Son of Sone Lal Sahani Resident of Village - Nonahi (Nunahi), P.S. - Parihar, District - Sitamarhi.
3. Pankaj Sahani Son of Ram Kishore Sahani Resident of Village - Nonahi (Nunahi), P.S. - Parihar, District - Sitamarhi.
4. Sanjay Sahani Son of Kewal Sahani Resident of Village - Nonahi (Nunahi), P.S. - Parihar, District - Sitamarhi.
5. Purai Sahani Son of Mauje Sahani Resident of Village - Nonahi (Nunahi), P.S. - Parihar, District - Sitamarhi.
6. Indrajeet Sahani Son of Kari Sahani Resident of Village - Nonahi (Nunahi), P.S. - Parihar, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Virendra Kumar, Adv.
For the Respondent/s : Smt.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2021 Heard the learned counsel for the appellants and the learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 06.12.2019 passed by the learned Additional Sessions Judge-1, cum Special Judge (SC/ST Act), Sitamarhi in Anticipatory Bail Petition



No. 2298 of 2019 / 217 of 2019 arising out of Sitamarhi SC/ST, P.S.Case No. 12 of 2017, registered under Sections 147, 149, 323, 354, 504, 506 of the Indian Penal Code and Section 3(I)(iii)(X) (XI) of the SC/ST (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been refused.

At the outset, the learned counsel for the appellants, in presence of the learned Special P.P. for the State, Smt. Usha Kumari, seeks to withdraw the present appeal qua the appellants no. 1 and 3 in order to enable them to surrender before the learned court below and seek regular bail.

Accordingly, the present appeal qua the appellants no. 1 and 3 stands dismissed as not pressed, however, with liberty to the said appellants no. 1 and 3 to surrender before the learned court below and seek regular bail.

The allegation is regarding the accused persons including the appellants herein having arrived at the pond in question, whereafter, they



are stated to have assaulted and abused the informant, who was fishing in the pond and had also abused her by taking her Caste specific name. It has been specifically alleged that the appellants no. 1 and 3 had engaged in assaulting the informant and her family members resulting in them sustaining injuries.

The learned counsel for the appellants no. 2 and 4 to 6 has submitted that the appellants no. 2 and 4 to 6 are innocent and they have been falsely implicated in the present case. The learned counsel for the appellants no. 2 and 4 to 6 has submitted that as far as these appellants are concerned, there is no allegation of any sort of overt act as also they are not stated to have abused the informant, hence, at least, they are entitled for the privilege of anticipatory bail.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the appellants no. 2 and 4



to 6 and taking into account the fact that no specific allegation of any sort of overt act has been levelled against the appellants no. 2 and 4 to 6 as also a general and omnibus allegation of abusing the informant has been levelled on them, I find that no offence is made out under the provisions of the Scheduled Caste and Scheduled Tribe(Prevention of Atrocities) Act, 1989, as far as the appellants no. 2 and 4 to 6 are concerned, hence, I deem it fit and proper to admit the appellants no. 2 and 4 to 6 to the privilege of anticipatory bail.

Accordingly, the appellants no. 2 and 4 to 6, above named, are directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, cum Special Judge (SC/ST Act), Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 12 of 2017, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.



Consequently the impugned order dated 06.12.2019 passed by the learned Additional Sessions Judge-1, cum Special Judge (SC/ST Act), Sitamarhi in Anticipatory Bail Petition No. 2298 of 2019 / 217 of 2019 arising out of Sitamarhi SC/ST, P.S.Case No. 12 of 2017 is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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