

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1438 of 2021**

Arising Out of PS. Case No.-145 Year-2020 Thana- SINGHWARA District- Darbhanga

1. RANI DEVI S/o-MOHAN SAHNI Resident of Village- Panisalachok, P.S.- Singhwara, District- Darbhanga.
2. Rinku Devi W/o Hari Sahni Resident of Village- Panisalachok, P.S.- Singhwara, District- Darbhanga.
3. Poonam Devi W/o Lakshman Sahni Resident of Village- Panisalachok, P.S.- Singhwara, District- Darbhanga.
4. Mohan Sahni S/o Late Rajendra Sahni Resident of Village- Panisalachok, P.S.- Singhwara, District- Darbhanga.
5. Hari Sahni S/o Late Rajendra Sahni Resident of Village- Panisalachok, P.S.- Singhwara, District- Darbhanga.
6. Lakshman Sahni S/o Late Rajendra Sahni Resident of Village- Panisalachok, P.S.- Singhwara, District- Darbhanga.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Kumar Sinha, Advocate
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 28-10-2021 At the outset, learned counsel for the appellants submits that the appellant no. 6, namely, Lakshman Sahni has been arrested during the pendency of the application. As such, the application against him has become infructuous.

Accordingly, the application as against appellant no. 6 , namely, Lakshman Sahni has been rendered infructuous.

Heard learned counsel for the appellants and the learned Spl. PP for the State.



This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is filed against the order dated 12.11.2020 passed in ABP NO. 1519 of 2020, whereby and whereunder the learned Additional Sessions Judge - 1st cum Special Judge (POA Act) , Darbhanga rejected the prayer of pre-arrest bail of the appellants in connection with Singhwara P.S. Case No. 145 of 2020 registered under Sections 147, 148, 323, 307, 379, 354 and 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellant submits that the appellants have falsely been implicated in this case due to land dispute. It is further submitted that there is no specific allegation against the appellants to abuse the informant by saying the name of his caste and as such, no case is made out against the appellants under the provisions of the SC/ST Act. It is further submitted that there is case and counter case between the parties. It is further submitted that the appellants have no criminal antecedents.

Having considered the facts and circumstances of the case, the impugned order dated 12.11.2020 is set aside and this



appeal is allowed.

Let the appellant Nos. 1 to 4, above named, be released on bail, in the event of his/their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (POA Act), Darbhanga in connection with Singhwara P.S. Case No. 145 of 2020.

So far as appellant no. 5, namely, Hari Sahni is concerned, learned counsel for the appellants seek permission to withdraw the application as against him.

Permission is granted.

Accordingly, the application as against appellant no. 5, namely, Hari Sahni is dismissed as withdrawn.

(Sunil Kumar Panwar, J)

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