

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2112 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- SONBERSA District- Sitamarhi

1. Vimal Sah @ Vimal Kumar, aged about 40 years (Male), S/O Hari Narayan Sah, Resident Of Village Jamuaha, P.S. Sonbersa, District-Sitamarhi.
2. Vikas Kumar, aged about 24 years (Male), S/O Ram Kewal Sah, Resident Of Village Jamuaha, P.S. Sonbersa, District-Sitamarhi.
3. Vikram Kumar, aged about 21 years (Male), S/O Ram Kewal Sah, Resident Of Village Jamuaha, P.S. Sonbersa, District-Sitamarhi.
4. Sonfi Sah, aged about 60 years (Male), S/O Ram Autar Sah, Resident Of Village Jamuaha, P.S. Sonbersa, District-Sitamarhi.
5. Ranjit Kumar, aged about 28 years (Male), S/O Fakira Sah, Resident Of Village Jamuaha, P.S. Sonbersa, District-Sitamarhi.
6. Shyam Kumar, aged about 25 years (Male), S/O Upendra Sah, Resident Of Village Jamuaha, P.S. Sonbersa, District-Sitamarhi.
7. Jai Kishore Sah, aged about 30 years (Male), S/O Late Hardeo Sah, Resident Of Village Jamuaha, P.S. Sonbersa, District-Sitamarhi.

... .. Appellants

Versus

1. The State Of Bihar.
2. Shanti Devi, aged about 38 years (Female), W/O Ramchandra Paswan, Resident Of Village Jamuaha, P.S. Sonbersa, District-Sitamarhi.

... .. Respondents

Appearance :

For the Appellants : Mr. Ashok Kumar Garg, Advocate.
For the Respondents : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-05-2021 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 A.B.P. No. 200 of 2021/23/21, in connection with Sonbarsa P.S. Case No. 238 of 2020, registered for the offences under Sections 341, 323, 324, 307, 435, 504, 506/34 of the I.P.C. and 3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 29.11.2020 at 8.00 A.M., the informant's son Navin Kumar was being abused because of village politics and when her son told them that he is a student and he has no interest in village politics, Vimal Sah called everybody and brought them at her Darwaza and then Vimal Sah hurled a Dabiya with intention to kill the informant upon her forehead and consequently her forehead got wounded and blood began to ooze out. Vikas Kumar, Vikram Kumar, Sonfi Sah, Ranjit Kumar, Shyam Kumar and Jai Kishore Sah came together and began to assault her. When Raj Kumar Paswan came in her rescue, he was also abused by calling out his caste name and assaulted and then all of them sprinkled Kerosene Oil upon the house of Raj Kumar Paswan and put it on fire. When her co-villager Upendra Sah came to pacify the matter, all of them assaulted him also and injured his leg badly. Then all of them assaulted her with Lathi, Danda and Dabiya with intention to kill her and her forehead got wounded and they also abused her by calling out her caste name.



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. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Subsequently, the informant has retracted from her earlier statement made in the F.I.R. and a petition to that effect has also been filed by the informant in the learned court below. The said application is Annexure-2 to the present appeal. 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 06.02.2021, passed in A.B.P. No. 200 of 2021/23/21 in connection with Sonbarsa P.S. Case No. 238 of 2020 by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi, 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi, in connection with Sonbarsa P.S. Case No. 238 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) 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)

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