

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2322 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- SC/ST District- Muzaffarpur

1. UJIT SAHNI SON OF RAMCHANDRA SAHNI, Resident of Village - Panapur, Gosai Tola, P.S.- Meenapur, Distt.- Muzaffarpur.
2. VIJAY KUMAR @ VIJAY SAHNI SON OF SHANKAR SAHNI, Resident of Village - Panapur, Gosai Tola, P.S.- Meenapur, Distt.- Muzaffarpur.
3. RAMDAYAL SAHNI SON OF RAMBRIKSHA SAHNI, Resident of Village - Panapur, Gosai Tola, P.S.- Meenapur, Distt.- Muzaffarpur.
4. SHANKAR SAHNI SON OF RAMBRIKSHA SAHNI, Resident of Village - Panapur, Gosai Tola, P.S.- Meenapur, Distt.- Muzaffarpur.
5. SURENDRA SAHNI SON OF RAMDAYAL SAHNI, Resident of Village - Panapur, Gosai Tola, P.S.- Meenapur, Distt.- Muzaffarpur.
6. SUJIT KUMAR ALIAS MUNNA SAHNI SON OF RAMCHANDRA SAHNI, Resident of Village - Panapur, Gosai Tola, P.S.- Meenapur, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Chandra Shekhar Anand
For the Respondent/s	:	Usha Kumar I

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 02-11-2021 Heard learned counsel for the appellants and learned counsel for the State.

Learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989, against the refusal of prayer for bail vide order dated 03.02.2021 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Muzaffarpur SC/ST P.S. Case No. 38 of 2020 registered for offence punishable under sections 341, 323, 147, 148, 379, 354, 504, 506 of the Indian Penal Code and sections 3 (i) (r) (s), 3(2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby and whereunder the prayer for bail made on behalf of the appellants has been rejected.

As per allegation, co-accused Ranjit Sahni came to the house of the informant and asked to plough his field. The informant was not feeling well. As such he denied, whereupon Ranjit Sahni abused him by calling his caste name. Allegation against these appellants is that they also abused the informant in filthy word and assaulted the informant and his daughter-in-law Parvati Devi. They also took away ornaments and Rs.7,000/- cash from the house of the informant.

Learned counsel for the appellants has submitted that prior to this case, the wife of Ranjit Sahni lodged a case bearing Meenapur P.S. Case No. 386 of 2020 whereupon the members of the informant party badly assaulted Usha Devi and threatened



her to move around the village after making her naked. The informant party has also badly assaulted the husband of Usha Devi. Learned counsel for the appellants has further submitted that the present case has been lodged after delay of one week only in order to save the skin from the prior case lodged by the appellants' side.

Admittedly there is a case and counter case. The case of the appellants is prior to the case of the informant party. As such, it appears the previous enmity between the parties was there and it was the cause of occurrence. It does not appear *prima facie* that the malicious feeling of caste is the reason for occurrence. As such, *prima facie* the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not attracted. Accordingly, the impugned order dated 03.02.2021 is set aside and this appeal is allowed.

Let the appellants in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Muzaffarpur SC/ST P.S. Case No. 38 of 2020, subject to the condition that one of the bailors of the appellants



shall be their close relative. The appellants will not induce any witness or tamper with the evidence. The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court. In case of failure on two consecutive dates without any valid reason, the court below will be at liberty to pass an appropriate order including cancel the bail bonds of the appellants.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned in paragraph 2 hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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