

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2585 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- TURKAULIYA District- East Champaran

1. LALBABU SAHNI @ LALBABU CHAUDHARY Son of Kishun Sahni Resident of Village - Majuraha, Raghunathpur O.P., Police Station - Turkauliya, District - East Champaran.
2. Vina Devi Wife of Lalbabu Sahni @ Lalbabu Chaudhary Resident of Village - Majuraha, Raghunathpur O.P., Police Station - Turkauliya, District - East Champaran.
3. Kishun Sahni Son of Lalbabu Sahni @ Lalbabu Chaudhary Resident of Village - Majuraha, Raghunathpur O.P., Police Station - Turkauliya, District - East Champaran.
4. Sujit Kumar @ Golu Kumar Son of Lalbabu Sahni @ Lalbabu chaudhary Resident of Village - Majuraha, Raghunathpur O.P., Police Station - Turkauliya, District - East Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-09-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the
defect(s), as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

Counsel for the appellants seeks permission to withdraw
the present appeal on behalf of appellant Nos.1, 3 and 4, as the
appellants Nos.1, 3 and 4 have been taken into judicial custody.

Permission is accorded.



The appeal filed on behalf of appellant Nos.1, 3 and 4 is dismissed as withdrawn.

The matter relates to grant of anticipatory bail to the appellant No.2 in connection with a case registered for the offences under Sections 341, 323, 385, 427/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons and 2 unknown ladies and 3 male came with arms and started abusing the informant by taking his caste name. Co-accused Lalbabu Sahani demanded extortion of Rs.2 lacs from the informant. The accused persons took away five bag cement.

It has been submitted on behalf of the appellant No.2 that the appellant No.2 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant No.2. The appellant No.2 has falsely been implicated in the present case. The date of occurrence is said to be 16.12.2020 and the case was instituted on 10.01.2021. There is admitted land dispute between the parties. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the



appellant No.2 is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 18.02.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari vide A.B.P. No.548 of 2021 in connection with Turkauliya P.S. case No.34 of 2021, is set aside with regard to appellant No.2 only. The criminal appeal is allowed in part.

Let the appellant No.2, 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 her personal bond to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari in connection with Turkauliya P.S. case No.34 of 2021.

Once the normalcy is restored, the appellant No.2 shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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.

Narendra/-

(Sudhir Singh, J)

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