

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2507 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- SIDHWALIYA District- Gopalganj

SANDEEP SAHANI, Son of Baliram Sahni Resident of Village - Hasanpur,
P.S.- Sidhwallia, District - Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Kumar Pandey

For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2021 Heard Mr. Priyajeet Pandey, learned Advocate

for the appellant and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellant has challenged the order, dated

25.02.2021, passed by the Additional District and

Sessions Judge 1st cum Special Judge SC/ST Act, Civil

Court, Gopalganj, in connection with 257 of 2021,

arising out of Sidhwallia P. S. Case No. 27 of 2021,



whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 147, 148, 149, 341, 307, 333, 353, 427, 504 and 506 of the Indian Penal Code and Sections 3 (i) (r) (s) and 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that when the appellant was taken into custody in connection with Gopalganj P. S. Case No. 36 of 2020, which was registered under Sections 147, 427, 341, 323, 504, 506 and 511 of the Indian Penal Code and Sections 3 (i) (r) (s) (v) and 3 (2) (ra) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, many persons of the locality managed to take him away from the custody of the police. The police party was abused and attacked by the aforesaid persons.

The learned counsel for the appellant has submitted that from the nature of the case in which



arrest of the appellant was made, it would appear that it was a dispute between two parties for possession of a particular plot of land. There has been a spate of litigation between the appellant and the prosecution party.

In the present case, the adversaries of the appellant have taken the local police in their collusion and have got this false case instituted.

The fact of the case is otherwise. When the police party had come to the house of the appellant to effect arrest, his wife was abused and sexually molested by one of the members of the police party. Against that, a complaint was lodged which has been brought on record by way of Annexure – 2 to this Memo of Appeal.

In order to put a shield against the aforesaid action of police, the present case has been lodged.

Thus, the learned counsel for the appellant has submitted that an absolutely false case has been lodged against the appellant and the accusation of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is merely for the purposes of preventing the appellant from taking advantage of the provision contained in Section 438 Cr.P.C.

Regard being had to the afore-stated facts, the order, dated 25.02.2021, passed by the learned Additional District and Sessions Judge 1st cum Special Judge SC/ST Act, Civil Court, Gopalganj, is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st cum Special Judge SC/ST Act, Civil Court, Gopalganj in connection with Sidhwalia P. S. Case No. 27 of 2021, subject to the conditions as



laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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