

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2508 of 2021

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

1. RAMBABU SAHANI, Son of Chandrika Sahani Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
2. Rajaram Sahani Son of Shivbalak Sahani Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
3. Mohan Lal Sahani @ Mohan Sahani Son of Shivbalak Sahani Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
4. Babunti Devi Wife of Amarjeet Sahani Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
5. Rohit Sahani Son of Rambabu Sahani Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
6. Mithun Sahani S/o Chandrika Sahani Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
7. Harkesh Sahani @ Harikesh Sahani Son of ----- Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
8. Shashi Sahani Son of Rajaram Sahani Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
9. Pawan Sahani minor Son of Jitendra Sahani under the guardianship of father and natural guardian Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
10. Meera Devi Wife of Sandeep Sahani Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
11. Amarjeet Sahani Son of Mohan Lal Sahani Resident of Village- Hasanpur, P.S.- Sidhwallia, District- Gopalganj.
12. Mukesh Mahto Son of Deena Mahto 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. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021

Mr. Priyajeet Pandey, learned counsel for the



appellants seeks permission to withdraw this appeal with respect to appellant no. 3.

The appeal with respect to appellant no. 3 is dismissed as withdrawn.

The appellant nos. 1 to 2 and 4 to 12 have 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 Sidhwalia 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 police party arrested one Sandeep Sahni, an accused of 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 aforementioned appellants has submitted that because they are associated with aforesaid Sandeep Sahni, they have been made accused in this case.

The learned counsel for the appellants has submitted that from the nature of the case, in connection with which Sandeep Sahani was arrested, it would appear that there is a dispute between the two parties for possession of a particular plot of land. There has been a spate of litigation between the appellants and their adversaries.

In the present case, the adversaries of the



appellants have taken the police in his collusion and have got this false case instituted against them.

The fact of the case is otherwise. When the police party had come to the house of the appellants to effect arrest, the wife of aforesaid Sandeep Sahani was abused and was 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 appellants has submitted that an absolutely false case has been lodged against them 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 nos. 1 to 2 and 4 to 12, namely, Rambabu Sahani, Rajaram Sahani, Babunti Devi, Rohit Sahani, Mithun Sahani, Harkesh Sahani @ Harikesh Sahani, Shashi Sahani, Pawan Sahani, Meera Devi, Amarjeet Sahani and Mukesh Mahto, respectively, are directed to be released on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each 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 Sidhwallia 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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