

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2493 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Sarvajeet Kumar @ Sarvjeet Kumar Sah, S/o Heera Lal Sah @ Hira Sah, R/o village- Jhakhara, P.S.- Piprakothi, District- East Champaran.
 2. Pradeep Don @ Pradeep Kumar, S/o Shvia Pujan Sah, R/o village- Charagaha, P.S.- Turkauliya, District- East Champaran.
 3. Ramesh Sahani, S/o Moti Lal Sahani, R/o village- Jhakhara, P.S.- Piprakothi, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Raju Baitha, S/o Daroga Baitha, R/o village- Basamanpur Agarwa, P.S.- Muffasil (Motihari), District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhurendra Kumar, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2021 Heard Mr. Madhurendra Kumar, the learned

Advocate for the appellants and the learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated

20.02.2021 passed by the learned 1st Addl. Sessions



Judge-Cum-Special Judge, S.C./S.T. Act, East Champaran at Motihari in connection with Muffasil P.S. Case No. 150 of 2020, instituted for the offences under Sections 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants is of abusing the informant and others on social media.

It has been submitted on behalf of the appellants that there is a reason for falsely implicating them. A case bearing Muffasil P.S. Case No. 153 of 2020 was lodged under various sections of the I.P.C. and other Special Acts at the instance of one Shyam Nandan Kumar against the informant of this case for his having posted derogatory comments against persons holding gubernatorial posts. Merely because that case, the present/subject F.I.R. has been lodged against the appellants and others. It has further been submitted



that the accusation do not make out a case under any one of the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

For the facts afore-stated, the order dated 20.02.2021, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, S.C./S.T. Act, East Champaran at Motihari in connection with Muffasil P.S. Case No. 150 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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