

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2553 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- RANIGANJ District- Araria

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1. Gopal Sah, Son of Late Swaroop Sah
 2. Sunil Sah, Son of Gopal Sah
 3. Chandan Sah @ Chandan Kumar Sah @ Chandan Kumar Son of Gopal Sah
 4. Soni Devi, Wife of Sunil Sah

All are resident of Village - Kohbara Bishanpur, Ward No. 7, P.O. Kala Balua, P.S. - Raniganj, District - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Adv.
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-07-2021 Heard Mr. Gajendra Kumar Singh, the learned

Advocate for the appellants and the learned Special Public

Prosecutor for the State.

The appellants have challenged the order dated

15.03.2021 passed by the learned 1st Addl. Sessions-Cum-

Special Judge, Araria in connection with Spl. (SC/ST) Case



No. 58 of 2020 arising out of Raniganj P.S. Case No. 93 of 2020, instituted for the offences under Sections 341, 323, 354B, 379, 435, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is of the appellants having assaulted the informant and other members of the prosecution party and also of having attempted to disrobe the informant.

It has been submitted on behalf of the appellants that an absolutely false case has been lodged against them. The reason for saying so is that the case was lodged after two days of the occurrence without there being any plausible explanation for the same. On the contrary, the appellant No. 2 had lodged a case immediately after the occurrence in which the husband of the informant and others have been made accused. There is a dispute over a plot of land on which a tree was standing which was attempted to be felled by the appellants. Unnecessarily, it has been urged, an



objection was raised by the informant and her husband, which later galvanized in an action of assault between the parties. There had been no intention of any one of the appellants to have demeaned the members of the prosecution party on account of their descent.

Considering the afore-noted factual background of the case, the appellants, it has been submitted, were given the privilege of police bail during the course of the investigation and they have never misused the privilege of police bail all this while.

Regard being had to the facts afore-stated, this appeal is being disposed off with a direction that in case the appellants surrender before the Court below and seek bail, their application shall be considered on its own merits taking into account the afore-noted facts and that nobody has received any injury in the entire transaction and that they have never misused the privilege of police bail all this while. The Court below shall pass orders in accordance with law without being prejudiced by the fact that the present appeal on their behalf has not been entertained by this Court.



The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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