

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2551 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- GAIGHAT District- Muzaffarpur

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1. Pappu Sahni, Son of Braj Kishor Sahni @ Braj Kishor Sahani
 2. Sunil Sahni, Son of Braj Kishor Sahni @ Braj Kishor Sahani
 3. Braj Kishor Sahni @ Braj Kishor Sahani, Son of Jailal Sahni
 4. Meghnath Sahni, Son of Sulindra Sahni
 5. Ranvir Sahni, Son of Radhe Sahni

All are resident of Village - Barhmotra, P.S. - Gaighat, District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Adv.
For the Informant : Mr. Ravi Ranjan, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-07-2021

Heard Mr. Manoj Kumar, the learned Advocate
for the appellants and Mr. Ravi Ranjan, the learned
counsel for the informant. The State is represented by
the learned Special Public Prosecutor.

The appellants have challenged the order dated



24.03.2021 passed by the learned Additional Sessions Judge-III-Cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Gaighat P.S. Case No. 178 of 2020, instituted for the offences under Sections 147, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

Though the appellants Nos. 1, 2 and 4 are stated to have assaulted the informant by means of farsa and knife but the injuries suffered by the victim are stated to be simple in nature and caused by hard and blunt substance.

It has been alleged in the F.I.R. that no sooner the informant reached in front of the house of the appellants, without any rhyme or reason, they started assaulting him.

The learned counsel for the appellants has submitted that in fact there was some dispute between the informant and the appellants but the F.I.R. has been



lodged with exaggerated version and the informant has taken advantage of his descent for filing the present case. Since the injuries do not support the ocular testimony, it has been urged that the accusation in the F.I.R. be read with caution and circumspection. The implication of the appellants in this case is because of the outburst of anger relating to a dispute which has got nothing to do with the mischief of S.C./S.T. (Prevention of Atrocities) Act.

The learned counsel for the informant opposes the interference of this Court against the order refusing to admit the appellants to anticipatory bail on the ground that from the narration made in the F.I.R., specific case under the S.C./S.T. (Prevention of Atrocities) Act is made out where the grant of anticipatory bail is proscribed.

It has been argued that the dispute between the parties lay somewhere else and the S.C./S.T. (Prevention of Atrocities) Act has been invoked only to prevent the appellants from taking advantage of the



provision contained in Section 438 of the Cr.P.C.

For the reasons afore-noted, the order dated 24.03.2021, 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 Additional Sessions Judge-III-Cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Gaighat P.S. Case No. 178 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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