

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2956 of 2021**

Arising Out of PS. Case No.-143 Year-2018 Thana- ARER District- Madhubani

1. RAJ KUMAR SAHNI Son of Parikshan Sahni Resident of Village - Balain, P.S. - Arer, District - Madhubani.
2. INDU DEVI Wife of Raj Kumar Sahni Resident of Village - Balain, P.S. - Arer, District - Madhubani.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ratanakar Jha, Adv.

For the Respondent/s : Ms . Usha Kumar No. 1 Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-08-2021 Heard the learned counsel for the appellants and

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated

17.04.2021 passed by the learned 1st Additional Sessions
Judge, Madhubani in A.B.P. No. 412 of 2021 arising out of
Arer P.S. Case No. 143/2018, whereby the prayer made on
behalf of the appellants for grant of anticipatory bail for the
offences under Sections 341, 323, 324, 354, 379, 504/34
of the Indian Penal Code and Section 3(1)(r)(w), 3(2)(Va) of
the SC/ST (POA) Act has been rejected.

It has been alleged by the informant that one



Sushila Devi who went to the house of the informant along with the appellants, abused her by taking her caste name and also assaulted her and her daughter by a *Tengari*. Other accused persons are also said to have assaulted the informant with fists and slaps. Some personal belongings of the informant is also said to have been taken away.

Learned counsel for the appellants has submitted that the informant has regularly been filing such cases attracting SC/ST (Prevention of Atrocities), Act over petty disputes. The appellants are associated with Sushila Devi with whom the informant had some dispute in the past. Only because of their association with aforesaid Sushila Devi, they too, have been made accused in this case. So far as the accusation under the provisions of SC/ST (Prevention of Atrocities), Act and the participation of the petitioners with respect to such offence is concerned, it has been submitted that they are not said to have abused the informant. They are only said to be the associates of Sushila Devi and are alleged, in a vague manner, to have assaulted the informant by fists and slaps. Thus, it has been submitted that the



offence under the SC/ST (Prevention of Atrocities), Act cannot be said to have been made out against the appellants.

For the reasons afore-stated, the order dated 17.04.2021 passed by the learned 1st Additional Sessions Judge, Madhubani, is set aside.

The appeal stands allowed.

The appellants, above named, 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 his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge, Madhubani in connection with Arer P.S. Case No. 143/2018.

(Ashutosh Kumar, J)

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