

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.841 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- PIPRA District- East Champaran

1. SANJAY SAH Son of Late Yaadolal Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
2. Bhadaï Sah @ Umasankar Sah Son of Late Jangi Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
3. Devanand Sah Son of Ghenghu Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
4. Bhaagya Narayan Sah Son of Ghenghu Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
5. Vinod Sah Son of Jairam Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
6. Shatrudhan Sah Son of Jiram Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
7. Sikandar Sah Son of Chaudhur Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
8. Santosh Sah Son of Late Yaadolal Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
9. Mangru Sah Son of Late Kaashi Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
10. Manjit Kumar Son of Kashi Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
11. Ajay @ Bhulawan Sah Son of Late Maya Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
12. Nitesh Kumar Son of Badahi Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
13. Vikash Kumar Son of Bhadaï Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
14. Rahul Kumar Son of Uddhav Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
15. Vikas Kumar Son of Ramesh Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
16. Raja Kumar Son of Kapil Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
17. Rohit Kumar Son of Kapil Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
18. Kapil Sah Son of Sukul Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
19. Arjun Kumar Son of Raman Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
20. Pradeep Kumar Son of Mukhtaar Sah Resident of Village - Chintamanpur,



Police Station - Pipra, District - East Champaran.

21. Amitaabh Sah Son of Krishna Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
22. Jairam Sah Son of Mangru Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
23. Ghenghu Sah @ Motilal Sah Son of Horil Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
24. Pragas Sah Son of Mahangu Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
25. Manager Sah Son of Satahu Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
26. Bittu Kumar Son of Devnand Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
27. Shakaldev Sah Son of Zalim Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
28. Laxmi Sah Son of Zalim Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
29. Yogendra Sah Son of Zalim Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
30. Hari Sah Son of Late Bhangi Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.
31. Ranjit Kumar Son of Hari Sah Resident of Village - Chintamanpur, Police Station - Pipra, District - East Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anil Kumar
For the Respondent/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-05-2021 Heard learned counsel for the appellants and the State
through virtual mode.

Learned counsel for the appellants is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.



At the outset, learned counsel for the appellants submits that during pendency of this appeal, the appellant Nos. 1, 6 & 19 have been taken into judicial custody and hence this appeal as against the appellant Nos. 1, 6 & 19 has become infructuous.

Accordingly, this appeal with regard to appellant Nos. 1, 6 & 19 is dismissed as withdrawn being infructuous.

Now learned counsel moves this appeal with regard to appellant Nos. 2 to 5 and 7 to 18 as well as 20 to 31 only.

The matter relates to grant of anticipatory bail to the appellant Nos. 2 to 5 and 7 to 18 as well as 20 to 31 in connection with Pipra P.S. Case No. 218 of 2020 registered for the offences under Sections 147, 148, 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r) of the SC/ST (POA) Act.

Allegedly, the accused abused having armed with different weapons came at the door of the informant and started abusing in filthy language. Assault was also made by the accused persons.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



appellants. The appellants have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the appellants has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated **17-09-2020** passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Motihari, East Champaran in Pipra P.S. Case No. 217 of 2020 is set aside with regard to the appellant Nos. 2 to 5 and 7 to 18 as well as 20 to 31 only. Accordingly, the present Criminal Appeal is ***allowed*** with respect to the appellant Nos. 2 to 5 and 7 to 18 as well as 20 to 31 only

Let the appellant Nos. 2 to 5 and 7 to 18 as well as 20 to 31, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the



satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with Pipra P.S. Case No. 217 of 2020.

Once the normalcy is restored, the appellant Nos. 2 to 5 and 7 to 18 as well as 20 to 31 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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