

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.344 of 2021

Arising Out of PS. Case No.-703 Year-2014 Thana- AHYAPUR District- Muzaffarpur

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1. SHANTI DEVI, W/o Late Sonelal Sahani Resident of Village - Kolhua Paigambarpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.
 2. Rajesh Sahni Son of Late Sonelal Sahani Resident of Village - Kolhua Paigambarpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.
 3. Lalita Devi W/o Rajesh Sahni Resident of Village - Kolhua Paigambarpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.
 4. Nandu Sahni Son of Late Harinnandan Sahni Resident of Village - Kolhua Paigambarpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.
 5. Sita Devi W/o Nandu Sahni Resident of Village - Kolhua Paigambarpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi, W/o Nawal Paswan Resident of Village - Kolhua Paigambarpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jai Prakash Verma
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-06-2021 Heard Mr. Jai Prakash Verma, learned Advocate

for the appellants and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

This appeal is directed against the order dated

21.12.2019, passed by the learned Special Judge

(SC/ST) Act, Muzaffarpur, in ABP No. 4000 of 2019,

arising out of Ahiyapur P. S. Case No. 703 of 2014,



whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 323, 504, 379, 380, 354(B), 452, 341, 147, 148, 376 and 427 of the Indian Penal Code and Section 3(1) (x) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It is alleged in the F.I.R. that one Suresh Sahani who is the son of appellant no. 1 tried to commit rape on the complainant. When an alarm was raised by the mother-in-law of the complainant, many people arrived and caught Suresh Sahani. He was thereafter tied to a "Kadamb" tree. So far the appellants are concerned, it is alleged that all of them came to the house of the complainant and set Suresh Sahani free. The members of the prosecution party were assaulted and abused by taking their caste name.

The learned counsel for the appellants has submitted that the appellant no. 1 has also filed a



complaint case against the husband of complainant for having abducted his son.

Apart from this, it has been stated that all other allegations are very trivial and appear to have been cooked up for the purposes of framing the appellants.

The learned Advocate for the appellants, therefore, submits that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can, therefore, be said to have been made out.

Regard being had to the afore-stated facts and the nature of accusation, the order dated 21.12.2019, passed by the learned Special Judge (SC/ST) Act, Muzaffarpur, 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST) Act, Muzaffarpur, in connection with Ahiyapur P. S. Case No. 703 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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