

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.903 of 2021

Arising Out of PS. Case No.-36 Year-2017 Thana- SC/ST BETTIAH District- West
Champaran

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1. Kamlesh Sah Son Of Hira Sah Resident Of Village- Badka Gaw, P.S-
Gopalpur, Distt- West Champaran
 2. Raju Sah Son Of Dhanai Sah Resident Of Village- Badka Gaw, P.S-
Gopalpur, Distt- West Champaran
 3. Usha Devi W/O Dinanth Sah Resident Of Village- Badka Gaw, P.S-
Gopalpur, Distt- West Champaran
 4. Pramila Devi W/O Kamlesh Sah Resident Of Village- Badka Gaw, P.S-
Gopalpur, Distt- West Champaran
 5. Ashok Sah Son Of Hira Sah Resident Of Village- Badka Gaw, P.S-
Gopalpur, Distt- West Champaran
 6. Sabita Devi W/O Ashok Sah Resident Of Village- Badka Gaw, P.S-
Gopalpur, Distt- West Champaran
 7. Dhanai Sah Son Of Hira Sah Resident Of Village- Badka Gaw, P.S-
Gopalpur, Distt- West Champaran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7
For the Respondent/s : Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks after restoration of normalcy.

The appellants have challenged the order dated
17.08.2020 passed by learned 1st Additional District and Sessions
Judge-cum- Special Judge, (SC/ST), Bettiah, West Champaran in



ABP No. 618 of 2020 in connection with Bettiah SC/ST P.S. Case No. 36 of 2017 registered for the offences under sections 448, 341, 323, 504, 506, 354 and 34 of the Indian Penal Code and 3(i)(r)(w)(ii) (v-a) SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons entered into the house of the informant and started throwing house hold articles and thereafter assaulted the informant and family members. The accused persons also abused them by taking caste name.

It has been submitted on behalf of the appellants that there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. After the investigation, the police submitted final form against the appellants. The appellants were not sent up for trial. The Court below has differed with the police report and took cognizance. Hence, the present appeal has been preferred. The matter has already been compromised between the parties. The said compromise is Annexure-3 to the present appeal. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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



Considering the aforesaid facts and circumstances, the order dated 17.08.2020 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, (SC/ST), Bettiah, West Champaran in ABP No. 618 of 2020 in connection with Bettiah SC/ST P.S. Case No. 36 of 2017, is set aside.

The appeal stands allowed.

Let the appellants 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 bonds to the satisfaction of learned 1st Additional District and Sessions Judge-cum- Special Judge, (SC/ST), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No. 36 of 2017.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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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