

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5722 of 2019

Arising Out of PS. Case No.-16 Year-2017 Thana- THAKRAHA District- West Champaran

1. LAKSHMI SAH Son of Late Jeeta Sah Resident of Village - Baluwaha, P.S.- Bhitaha, Distt.- West Champaran.
2. Heera Sah Son of Late Jeeta Sah Resident of Village - Baluwaha, P.S.- Bhitaha, Distt.- West Champaran.
3. Reema Kumari @ Reema Gupta D/o Lakshmi Sah This appellant is under guardian and she is under guardian of maternal uncle namely Kishore Sah aged about 59 years S/o Late Nath Sah R/o Village Chaukuhava Dumari P.S. Piparasi, District-West Champaran. Resident of Village - Baluwaha, P.S.- Bhitaha, Distt.- West Champaran.
4. Lakhrajiya Devi W/o Lakshmi Sah Resident of Village - Baluwaha, P.S.- Bhitaha, Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prithvi Nath Mishra

For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-02-2021 The learned counsel for the appellants seeks permission to withdraw this appeal with regard to appellant No.3, Reema Kumari @ Reema Gupta, who is aged about 12 years in the FIR on the ground that she is juvenile.

Prayer is allowed.

This appeal with regard to appellant No.3 is disposed of as withdrawn.

Heard both sides.

The appellants filed this appeal under Section 14 (A)



(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act for grant of anticipatory bail in Thakraha Bhitaha P.S. case No. 16/2017 registered under Section 341, 323, 447, 504, 34 of the IPC and u/s 3(i)(r) of SC/ ST Act.

The informant named seven persons in the FIR and disclosed that Lakshmi Sah, appellant No.1, fixed a pole in her land. Her son tied she goat in the pole. Lakshmi Sah came there and began to abuse. When the informant objected, Lakshmi Sah, Lakhrajiya Devi, appellant No. 4, Hira Sah, appellant No.2, Bedami Devi, Pushpa Kumari, Santi Kumari and Reema Kumari assaulted her with fists and slaps. Many persons came to save the informant.

The learned counsel for the appellants submits that some altercation took place between two sides on account of land dispute. From the side of appellants Thakraha Bhitaha P.S. case No. 15/2017 was registered thereafter the informant lodged this case. From perusal of the FIR it would appear that there is no ingredient to constitute any offence u/s SC/ST Act but later on the informant and her witnesses developed the case and disclosed that the accused persons, including the appellants, abused the informant by naming her caste.

The learned Spl. P.P., however, opposed the prayer for



anticipatory bail and submits that there is no land dispute between two sides and there is allegation that appellants abused the informant by naming her caste and, therefore, the appellants do not deserve anticipatory bail.

Having considered the submissions and on perusal of the records, it appears that informant did not allege in her fard bayan that anybody abused her by naming her caste. There appears that some altercation took place and both sides entered into scuffle with each other for tying she goat in a pole said to have been fixed in the field of the informant although the appellants side claims the land to be their own. Later on it appears that the informant and her witnesses also disclosed that the appellants abused her by naming her caste but this fact has not come in the earlier version of the informant.

Taking into consideration the facts aforesaid, I find that the appellants deserve anticipatory bail. Accordingly, the appellants No. 1, 2 and 4, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional



Sessions Judge-cum-Special Judge, SC/ST Act, West
Champaran, Bettiah in connection with Thakaraha Bhitaha P.S.
case No. 16/2017, subject to conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

Accordingly, this appeal is allowed.

(Prabhat Kumar Jha, J)

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