

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.899 of 2022**

Arising Out of PS. Case No.-261 Year-2021 Thana- MADHUBAN District- East Champaran

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1. Pramod Kumar Sahani @ Pramod Sahani S/O Surya Sahani @ Suruj Sahni Resident Of Village- Punas, P.O. Tetaria, P.S.- Madhuban, District- East Champaran.
2. Vinod Sahni S/o Surya Sahani @ Suruj sahni Resident of Village- Punas, P.O.- Tetaria, P.S.- Madhuban, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mita Devi Wife of Sri Ramsringar Baitha Resident of Village-Punas,P.S-Madhuban,District-East Champaran

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Abhishek Kumar  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

5      17-11-2022                      Heard learned counsel for the appellants and  
  
learned Special P.P for the State.

The appellants have challenged the order dated  
  
25.09.2021 passed by learned 1<sup>st</sup> Additional Sessions  
  
Judge-I-cum-Special Judge, SC/ST Act, East Champaran  
  
at Motihari in connection with Madhuban P.S. Case No.  
  
261 of 2021 instituted for the offences punishable under  
  
Sections 341, 323, 379, 354, 448, 504, 34 of the  
  
Indian Penal Code and Sections 3(1)(r)(s) of the SC &



ST (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

The accusations are of making assault and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case and in the background of some land dispute, the accusation has been levelled against the appellants. There is counter version of the occurrence also and appellants' side also sustained injuries. Moreover, the occurrence took place inside the house of the informant. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 25.09.2021 passed by the learned 1<sup>st</sup> Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, East



Champan at Motihari in connection with Madhuban  
P.S. Case No. 261 of 2021.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to  
be released on bail in the event of their arrest or  
surrender within a period of four weeks from today and  
on their furnishing bail bonds of Rs. 10,000/-(ten  
thousand) each with two sureties of the like amount  
each to the satisfaction of learned 1<sup>st</sup> Additional Sessions  
Judge-I-cum-Special Judge, SC/ST Act, East Champan  
at Motihari in connection with Madhuban P.S. Case No.  
261 of 2021.

**(Sunil Kumar Panwar, J)**

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