

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1245 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- MAJHAULIA District- West Champaran

1. Brajesh Sahni Son of Ramji Sahni @ Ramjit Sahni R/O Village - Rajabhar, Ward No.- 5, P.S. - Majhauriya, District - West Champaran.
2. Ramji Sahni @ Ramjit Sahni Son of Late Bagad Sahni R/O Village - Rajabhar, Ward No.- 5, P.S. - Majhauriya, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramesh Das Son of Rudal Das R/O Village - Rajabhar, Ward No.- 5, P.S. - Majhauriya, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP
For the Informant	:	Mr.Anant Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-08-2022 Heard learned counsel for the appellants, learned counsel for the informant and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 26.03.2022 passed by the learned Additional District & Sessions Judge-1st-cum-Special Judge, SC/ST, Bettiah, West Champaran in A.B.P. No. 652 of 2022 in connection with Majhauriya P. S. Case No.69 of 2022, instituted for the offences under Sections 341, 323, 504 and 34 of the Indian Penal Code and Sections 3(i) (r)(s) of the S.C./S.T. Act (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been



rejected.

The learned counsel for the appellants submits that appellant no.1 is a person with clean antecedent and appellant no.2 has antecedent of one case. The learned counsel for the appellants further submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that no offence under the SC/ST Act is made out against the appellants as the occurrence is alleged to have taken place at the door of the appellants, as such, the occurrence was not in public view and the informant does not disclose as to what kind of abuse, he was subjected to thus it is submitted that the allegation of abuse is vague and cryptic.

Learned Spl P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the appellants but are not in a position to meet the submissions advanced by the learned counsel for the appellants that the occurrence was not in public view and the F.I.R. does not disclose the nature of abuse the informant was subjected to.

Considering the submissions made by the learned counsel for the appellants, the order dated 26.03.2022 passed by the learned Additional District & Sessions Judge-1st-cum-Special Judge, SC/ST, Bettiah, West Champaran in A.B.P. No.



652 of 2022 in connection with Majhauriya P. S. Case No. 69 of 2022 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Majhauriya P.S. Case No. 69 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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