

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2459 of 2021**

Arising Out of PS. Case No.-504 Year-2020 Thana- SARAIYA District- Muzaffarpur

1. RAMSHARAN SAHNI S/O CHULHAI SAHNI RESIDENT OF VILLAGE BASANTAPUR PATTI, P.S-SARAIYA, DISTRICT-MUZAFFARPUR.
2. PANKAJ SAHNI S/O RAMSHARAN SAHNI RESIDENT OF VILLAGE BASANTAPUR PATTI, P.S-SARAIYA, DISTRICT-MUZAFFARPUR.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Murti Devi W/o Ram Asare Ram R/o Vill- Basantpur Patti, P.S.- Saraiya, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Adv
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 07-07-2022 Heard the counsel for the appellants and counsel for respondent no.2 and learned Spl.P.P. for the State.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 22.03.2021, passed by learned Special Judge S.C./S.T. Act, Muzaffarpur in A.B.P. No. 474 of 2020, in connection with Muzaffarpur S.C./S.T. P.S. Case No. 504 of 2020 registered under sections 341, 323, 307, 504/34 of the Indian Penal Code and 3(1)(r)(s) of S.C./S.T. Act.



Allegedly, a dispute took place for organizing a fair. Due to dispute the informant's side were assaulted and abused by the appellant and other co-accused persons by taking caste name. As a result the informant's side sustained injuries.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. There is a specific overt act against the co-accused Ajay Kumar. It is further submitted that the said occurrence took place on 25.07.2020 but the F.I.R. was lodged on 05.08.2020, which is after 11 days, without giving any plausible and convincing reason for the said delay. Appellants have no criminal antecedent.

Learned Spl. P.P. for the State and learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, and keeping in view the delay of 11 days in filing the F.I.R., let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special



Judge S.C./S.T. Act, Muzaffarpur, in connection with
Muzaffarpur S.C./S.T. P.S. Case No. 504 of 2020, subject to the
condition as laid down under section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this
appeal is allowed.

(Anjani Kumar Sharan, J)

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