

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2295 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. PARASH SAHANI Son of Late Bagar Sahani Resident of Village - Hathiyahi, P.S.- Piprakothi, District - East Champaran.
2. Ravindra Sahani Son of Parash Sahani Resident of Village - Hathiyahi, P.S.- Piprakothi, District - East Champaran.
3. Kaushalya Devi Wife of Ravinder Sahani Resident of Village - Hathiyahi, P.S.- Piprakothi, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rambha Devi Wife of Bhola Paswan Resident of Village - Hathiyahi, P.S.- Piprakothi, District - East Champaran.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-12-2022 Heard the parties.

Learned counsel for the appellants is directed to remove the defects within four weeks.

At the very outset, learned counsel for the petitioner submits that he does not want to press this appeal against appellant no.1.

Permission is granted.

Accordingly, this appeal is dismissed as not pressed in respect of appellant no.1.

Now, this appeal survives only for appellant nos. 2 & 3.



This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 10.06.2022, passed by learned Special Judge S.C./S.T. Act, East Champaran, Motihari in connection with Piprakothi P.S. Case No.84 of 2022 registered under sections 447, 341, 323, 354(B), 504, 506/34 of the Indian Penal Code and 3(1)(r)(s) of S.C./S.T. Act.

Allegedly, the appellants along with other accused persons making unlawful assembly started abusing the informant by taking her caste name and entered inside her house, assaulted her mother-in-law and Devar and father-in-law. They also threatened to kill her.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case due to ulterior motive. No such occurrence as alleged has ever taken place. Entire allegations levelled against the appellants is false and fabricated. There is delay of 4 days in lodging of the FIR without explanation of such long delay. There is general, vague and omnibus allegation against the appellants. There is land dispute between the parties, due to



which, the appellants have lodged two cases. There is specific allegation against co-accused Paras Sahani. The appellants have no criminal antecedent.

Learned Spl.PP for the State and learned counsel for respondent no.2 opposed the prayer for bail and submits that there is specific allegation against the appellant nos. 2&3.

Considering the facts and circumstances of the case, 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 Special Judge S.C./S.T. Act, East Champaran, Motihari in connection with Piprakothi P.S. Case No. 84 of 2022, 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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