

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4812 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- SC/ST District- Rohtas

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1. Musafir Sah Son of Shrishankar Sah @ Harishankar Sah Resident of village - Nimiya, P.S. Kochas, District - Rohtas, Sasaram, Bihar.
  2. Dhanji Sah Son of Late Jagarnath Sah Resident of village - Nimiya, P.S. Kochas, District - Rohtas, Sasaram, Bihar.
  3. Satyendra Sah @ Satendra Sah Son of Hari Shankar Sah Resident of village - Nimiya, P.S. Kochas, District - Rohtas, Sasaram, Bihar.
  4. Ashok Sah Son of Late Jagarnath Sah Resident of village - Nimiya, P.S. Kochas, District - Rohtas, Sasaram, Bihar.
  5. Hanuman Sah Son of Late Jagarnath Sah Resident of village - Nimiya, P.S. Kochas, District - Rohtas, Sasaram, Bihar.
  6. Jitan Sah Son of Hanuman Sah Resident of village - Nimiya, P.S. Kochas, District - Rohtas, Sasaram, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lilawati Devi wife of Singhasan Paswan Resident of village - Nimiya, P.S. Kochas, District - Rohtas, Sasaram, Bihar.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Prashant Kumar  
For the Respondent/s : Ms.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      10-08-2022                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 04.08.2021 passed by learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 118 of 2020



corresponding to Registered Case No. 324 of 2020 under Sections 147, 149, 341, 323, 354, 427 and 435 of the Indian Penal Code and section 3(i)(r) and (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

Prosecution case in brief is that on 28.11.2020 at 2.00 pm while the informant was harvesting paddy crop, in the meantime, all the accused persons came and set on fire their own paddy hayrick due to which informants paddy hayrick which was kept by the side of their haystack was also damaged. It is further alleged that due to per-existing land dispute between the parties the alleged occurrence took place. It is further alleged that petitioner no. 1 thrashed her and petitioner nos. 2 and 6 attempted to strangle the informant. When the people gathered the accused persons fled away.

It is submitted on behalf of the appellants there is general and omnibus allegation against all the appellants. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. It is further submitted that due to land dispute between the parties an altercation took place, but no injury has been sustained by the informant. Moreover, the



FIR was lodged after delay of eight days without any plausible explanation. Appellants have got clean antecedent.

Counsel for Opposite Party No. 2 vehemently opposed the prayer for bail and submitted that appellants are named in the FIR and there is allegation that the appellants assaulted and abused the informant by caste name.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 04.08.2021 passed by learned Additional Sessions Judge-1-cum-Special Judge (SC/ST Act), Rohtas, Sasaram is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 118 of 2020 (Registered Case No. 324 of 2020).

**(Prabhat Kumar Singh, J)**

vinita/-

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