

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.51 of 2022

Arising Out of PS. Case No.-131 Year-2019 Thana- BHAGWANPUR District- Vaishali

BHIKHARI SAHNI S/o Chhathu Sahni R/o village- Banthu (Wafapur
Banthu), P.S.- Bhagwanpur, District- Vaishali at Hajipur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Chandra

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellant.

Learned counsel for the appellant is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 24.01.2020, passed by the learned Additional District and Sessions Judge- 1st-cum-Special Judge (SC/ST Act), Vaishali at Hajipur, registered for the offences punishable under Sections 341, 323, 324, 356, 379, 307 and 34 of the Indian Penal Code and Section 3(i)(r) (s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been



rejected.

As per allegation the son of the informant was going to his sister's house. Meanwhile, co-accused Amod Kumar Sahni, Amir Sahni and Nitish Kumar Sahni intercepted his motor-cycle, snatched money and assaulted him. When he went to complain to the house of co-accused Amod Kumar Sahni, the present appellant, who is father of co-accused Amod Kumar Sahni, abused him. Other accused persons also assaulted him.

Learned counsel for the appellant has submitted that there is nothing in the FIR which shows that provisions of SC/ST Act are attracted *prima facie*. He has submitted further that other co-accused persons have been granted anticipatory bail in Cr.Appeal (SJ) No. 5117 of 2019 and Cr. Appeal (SJ) No.5228 of 2019, vide orders dated 25.11.2019 and 02.12.2019, respectively.

Considering the facts and circumstances, the appeal is allowed and the impugned order dated 24.01.2020, passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge (SC/ST Act), Vaishali at Hajipur is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellant, above-named shall be released on anticipatory bail on furnishing bail bond of Rs.



10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge (SC/ST Act), Vaishali at Hajipur, in connection with Bhagwanpur P.S.Case No. 131 of 2019.

Office shall ensure that all the defects are removed by the appellant within the stipulated time hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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