

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4268 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- CHANPATIA District- West Champaran

1. SUKHDEV SAH S/O Late Devnarayan Sah R/O Mohalla Chanpatiya, P.S- Chanpatiya, District- West Champaran
2. Sanjay Sah @ Sanjay Kumar S/O Sukhdev Sah R/O Mohalla Chanpatiya, P.S- Chanpatiya, District- West Champaran
3. Rinku Sah @ Rapu Kumar @ Ripu Kumar S/O Sukhdev Sah R/O Mohalla Chanpatiya, P.S- Chanpatiya, District- West Champaran
4. Rakil Sah @ Rakesh Sah R/O Mohalla Chanpatiya, P.S- Chanpatiya, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Gudiya Devi W/O Late Awadhesh Raut R/O Ojha Tola, Shrinagar, Ward No-5, P.S- Manuapul O.P, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Sp.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-12-2022 Heard the parties.

This is an appeal under sections 14 A(2) of 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 19.10.2022, passed by learned Additional District and Sessions Judge I cum Special Judge, Bettiah, West Champaran, in connection with Chanppatiya P.S. Case No. 358 of 2022 registered under sections 341, 323, 324, 354, 504, 34 of the



Indian Penal Code and 3(i)(r)(s), 3(ii)(va) of S.C./S.T. (Prevention of Atrocities) Act.

Allegedly, the petitioners surrounded the informant having Farsa in their hand. Appellant no.1 hit on the head of the informant by means of Farsa. They dragged her on the ground by holding her hair.

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. There is no specific allegation against any of the appellants. They have not abused the informant by taking her caste name rather Appellant No.1 Sukhdev Sah is alleged to have abused but no abusive word has been disclosed in the FIR. There had been no prior acquaintance between the informant and the appellants. The informant has not sustained any corroborative or fatal injury. There is compromise between the parties. The appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, since there is compromise between the parties, 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 Additional District and Sessions Judge I cum Special Judge, Bettiah, West Champaran in connection with Chanppatiya P.S. Case No. 358 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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