

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4686 of 2019

Arising Out of PS. Case No.-44 Year-2017 Thana- SC/ST BETTIAH District- West
Champaran

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1. Rahul Kumar @ Rahul Sah Son of Sri Anil Sah
 2. Arjun Sah @ Arjun Kumar Son of Sri Anil Sah
 3. Puja Kumari @ Neha Kumari D/o Sri Anil Sah
 4. Arti Kumari D/o Sri Anil Sah
 5. Anil Kumar @ Anil Sah @ Anil Kumar Mistri Son of Late Gaurishankar Sah
 6. Ranju Devi W/o Sri Anil Sah all Resident of Village - Chanpatiya, Ward No.11, P.S.- Chanpatiya, Distt.- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi Sanjay Ram Village-Chanpatiya, Ward No-11, P.S-Chanpatiya, District-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Adv.
For the State	:	Mr. Binay Krishna, Spl. PP
For the resp. No. 2	:	Mr. Umesh Kr. Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 07-02-2022 Heard learned counsel for the parties through virtual court proceeding.

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 28.08.2019, passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No. 44 of 2017,



registered under Sections 448, 341, 323, 354, 504/34 of the Indian Penal Code and Sections 3(I) (r) (w)(II) (va) of SC/ST Act.

While the informant was sitting at her door, all the appellants came and dragged her by hairs and Rahul Sah gave brick blow on her head causing bleeding injury. They also abused her by calling caste name.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that occurrence took place on 26.06.2017 but the FIR has been lodged on 03.07.2017 after delay of eight days without any explanation. He submits that there is land dispute between the parties. This fact is also accepted by the counsel for the respondent no. 2. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the



learned 1st Additional Sessions Judge-cum-Special Judge
(SC/ST Act), West Champaran at Bettiah in connection with
Bettiah SC/ST P.S. Case No. 44 of 2017, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

devendra/-

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