

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5806 of 2019

Arising Out of PS. Case No.-117 Year-2016 Thana- DARBHANGA SADAR District-
Darbhanga

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1. BAIJNATH SAHNI Son of Late Mahabir Sahni Resident of Village - Bandh Basti, P.S.- Sadar (Mabbi O.P.), District- Darbhanga
 2. Sajay Sahni @ Sanjay Kr. Sahni Son of Baijnath Sahni Resident of Village - Bandh Basti, P.S.- Sadar (Mabbi O.P.), District- Darbhanga
 3. Hareram Sahni Son of Baijnath Sahni Resident of Village - Bandh Basti, P.S.- Sadar (Mabbi O.P.), District- Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pankaj Kumar Das, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.P.P. Mr.Vinay Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-01-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State through virtual court proceedings.

This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 08.11.2019, passed by learned 1st Additional Sessions Judge-cum- Special Judge (SC/ST Prevention) Act, Darbhanga, in connection with Sadar P.S. Case No.117 of 2016, registered under sections 341, 323, 354(B), 448, 380/34 of the



IPC and sections 3(1) XI, III, X of the SC/ST Act.

The crux of the prosecution case is that the appellants along with other accused persons have abused and assaulted the informant due to a dispute initiated by the accused persons. It is alleged that they tried to disrobe her and on protest, they assaulted and abused the family members of the informant by means of lathi, danda, fists and slaps and spitted on the informant's face.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants has been falsely implicated in the case due to personal grudge. There is a land dispute between the parties since long and for the same occurrence there is case and counter-case between the parties. There is general and omnibus allegation against the appellants and other accused persons. It is submitted that no case under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view. Appellants have no criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by



submitting that there is specific allegation against the appellants and other accused persons to have abused and assaulted the informant's side.

Considering the facts and circumstances of the case, since there is admitted land dispute between the parties, I am inclined to grant anticipatory bail to the appellants. Accordingly, 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, is directed to 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 1st Additional Sessions Judge-cum- Special Judge (SC/ST) Act, Darbhanga, in connection with Sadar P.S. Case No.117 of 2016, 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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