

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.679 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- LAURIA District- West Champaran

1. RAMKALI DEVI Wife of Rajdev Sah Resident of Barwakala, P.S.- Lauriya, District- West Champaran, Bihar
2. RAJDEV SAH Son of Late Bhola Sah Resident of Barwakala, P.S.- Lauriya, District- West Champaran, Bihar
3. SUNITA DEVI Wife of Vijay Sah Resident of Barwakala, P.S.- Lauriya, District- West Champaran, Bihar
4. SILPA DEVI Wife of Pramod Sah Resident of Barwakala, P.S.- Lauriya, District- West Champaran, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Majhi Son of Kawal Majhi Resident of Barwakala, P.S.- Lauriya, District- West Champaran, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Vishwajeet Kumar Mishra, Advocate
		Mr. Sujeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 17-07-2023 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State along with learned counsel for the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 15.10.2022 in A.B.P. No. 2848 of 2022 passed by



the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 287 of 2022 registered for the offences punishable under Sections 147, 149, 341, 342, 323, 324, 379, 504 and 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant nos. 1, 3 and 4 are women.

4. The informant alleges that on 31.07.2022 at about 07:30 A.M. while he along with his brother were preparing paddy feed when the accused persons including the appellants came variously armed and said that the field belongs to them and on protest it is alleged that Rajdev Shah (Appellant No. 2) caught the informant and Vijay assaulted by *Bakua* on his nose causing injury and when his brother Munna came to save, it is alleged that Pramod assaulted him by an iron pipe, further his mother and nephew also got assaulted and wife of Rajdev snatched golden ear top of his mother.

5. Learned counsel for the appellants submits that the appellants have been been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as



alleged in the F.I.R., it would manifest that no specific overt act has been alleged against the appellants nos. 1, 3 and 4 though against appellant no. 2, it is alleged that he caught hold of the informant but then appellant no. 2 is a senior citizen aged about 70 years and admitted land dispute is existing between the parties for which even a title suit has been filed. It is further submitted that specific allegation of assault is also not against the appellants, but then no offence under the SC/ST is made out as the allegation does not even remotely suggest that the occurrence was witnessed by any witness.

6. Learned Spl. P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the appellants, but are not able to rebut the submissions made by the learned counsel for the appellants that no specific overt act of assault is alleged against any of the appellants and the occurrence did not take place in public view.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 15.10.2022 in A.B.P. No. 2848 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran **in connection with Lauriya P.S. Case No. 287 of 2022 is hereby set aside** and the appellants above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Lauriya P.S. Case No. 287 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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