

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.724 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- KANGLI District- West Champaran

1. AZAD KHAN Son of Late Nekmohammad Khan Resident of Village- Sabaithwa, P.S.- Kangali, District- West Champaran
2. KAMRAN KHAN Son of Azad Khan Resident of Village- Sabaithwa, P.S.- Kangali, District- West Champaran
3. SEHRUN KHATOON @ SEHRUN NESHA Wife of Azad Khan Resident of Village- Sabaithwa, P.S.- Kangali, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarita Devi Wife of Santosh Kumar Baitha Resident of Village- Sabaithwa, P.S.- Kangali, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Informant	:	Mr. Anand Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

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 05.01.2023 in A.B.P. No. 3654 of 2022 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Chamaparan in connection with Kangali P.S. Case No. 86 of 2022 registered for



the offences punishable under Sections 341, 323, 354, 379, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(v-a) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant no.1 has antecedent of twelve cases out of which in nine cases final form has been submitted and in two cases the appellant has been acquitted and one case is pending investigation, further appellant no.2 has antecedent of one case and appellant no.3 is a person with clean antecedent and the informant alleges that accused persons, including the appellants, came to her house and abused her by taking caste name, further Aazad dashed her on the ground and assaulted by leg and fist, thereafter Kamran inflicted knife below but she saved herself, thereafter both assaulted her, it is next alleged that Sehrun Khatun snatched informant's *mangalsutra* and they even assaulted her husband who came to save her.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that from bare perusal of allegations as alleged in the FIR it would manifest that though there is allegation of assault but then the same was not in public view nor anyone has seen the occurrence, it is further submitted that even no injury



was suffered by the injured as the case was instituted under Section 323 of the IPC read with other sections of the IPC including the SC/ST Act, it is further submitted that allegation of snatching *mangalsutra* is ornamental in nature.

5. Learned Spl. P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the appellants but are not in a position to rebut the submissions of the learned counsel for the appellants that occurrence did not take place in public view nor any serious injury was suffered by the informant.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 05.01.2023 in A.B.P. No. 3654 of 2022 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran in connection with Kangali P.S. Case No. 86 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. 10,000/- (Rupees Ten 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



Kangali P.S. Case No. 86 of 2022 subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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