

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.687 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- SC/ST District- Samastipur

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1. SIKANDER SAHNI Son of Ram Prasad Sahni Resident of Village- Khera (Bajopur, Sambhupatti), P.S.- Pusa, District- Samastipur.
 2. VIRENDRA KUMAR SAHNI SON OF RAM PRASAD SAHNI Resident of Village- Khera (Bajopur, Sambhupatti), P.S.- Pusa, District- Samastipur.
 3. DEBU SAHNI @ DEV NARAYAN SAHNI SON OF MADAN SAHNI Resident of Village- Khera (Bajopur, Sambhupatti), P.S.- Pusa, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithilesh Devi Wife of Late Gaya Prasad Ram Resident of Mohalla- Dharampur Nistama ,P.S-Muffasil,District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anirudh Kumar Sinha, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-04-2023 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against the order dated 10.12.2021, passed in a case registered for the offence punishable under Sections 147, 149, 341, 323, 379, 354B, 504 and 506 of the Indian Penal Code read with Sections 3 (i) (r) (f) (s) /3 (2) (va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, while the informant was measuring her land along with her son and bataidar, all the FIR named accused persons including these appellants and 7



unknown persons came there, abused the informant by caste name and demanded extortion money of Rs.4 lacs for constructing boundary wall over the land. It is further alleged that when her son and bataidar tried to rescue her, accused persons assaulted them. They also snatched gold chain of the informant on the point of pistol.

Learned counsel for the appellants submits that no occurrence has taken place as alleged in the FIR. As a matter of fact, land in question is subject matter of Partition Suit No.222 of 2009 pending in the civil court. Moreover, from bare perusal of the FIR, it is apparent that no member of the public was present at the time of incident, as such the alleged incident did not take place within the public view, hence no case under the SC/ST Act is attracted against these appellants.

Learned counsel for the state and respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 10.12.2021 is set aside.

Accordingly, in the event of arrest or surrender the appellants, above named, before the court below within eight



weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge SC/ST (POA) Act, Samastipur in Samastipur SC/ST P.S. Case No. 76/2021, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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