

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1015 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- PIPRA District- East Champaran

1. Sanjay Sahani Son Of Late Ganesh Sahani R/O Village- Chintamanpur, P.S.- Pipra, District- East Champaran
2. Rahul Sahani @ Rahul Kumar Son Of Krishna Sahani R/O Village- Chintamanpur, P.S.- Pipra, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Satyendra Kumar Das Son Of Bhikhari Das R/O Village- Chintamanpur, P.S.- Pipra, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sharda Nand Mishra
For the Respondent/s	:	Mr. Kumar Ranjit Ranjan
	:	Mr. Sadanad Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2023 Heard the counsel for the appellants and learned
Spl.P.P. for the State.

2. Learned counsel for the appellants seeks permission to withdraw this appeal as against the appellant no.1, as he has already been arrested by the police, during pendency of this appeal.

3. Permission is granted.

4. Accordingly, the instant appeal is dismissed as withdrawn as against the appellant no.1.

5. Now, this appeal is being heard with regard to the appellant no.2 only.

6. Heard learned counsel for the appellant no.2 and



learned Special Public Prosecutor for the State.

7. Though the *vakalatnama* is filed on behalf of the respondent no.2 but nobody appears on his behalf.

8. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 12.01.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Pipra P.S. Case No. 246 of 2022, registered under Sections 341, 323, 379, 504 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

9. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is general and omnibus allegation levelled against the appellant. There is no specific overt act against the appellant. From bare perusal of the FIR it is clear that all the occurrence took place inside the house not in public place. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.



10. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

11. In the facts and circumstances of the case and the fact that all the occurrence took place inside the house not in public place and there is no specific overt act against the appellant no.2, let the above named appellant no.2, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Pipra P.S. Case No. 246 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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