

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.991 of 2023

Arising Out of PS. Case No.-192 Year-2022 Thana- PAHARPUR District- East Champaran

Ramayan Sah, Son Of Langatu Sah R/O Vill.- Panditpur, P.S.- Paharpur,
Distt.- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Santosh Ram, S/O Shivdayal Ram R/O- Village- Panditpur, P.S.- Paharpur,
Dist.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-07-2023

I.A. No.01 of 2023

In view of the pleadings made in the limitation
application, the delay in filing the appeal is condoned.

Accordingly, I.A. No.01 of 2023 stands allowed.

Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

The appellant has challenged the order dated
17.10.2022 passed by the learned Special Judge, SC/ST Act,
East Champaran at Motihari in connection with Paharpur P.
S. Case No.192 of 2022, instituted for the offences under
Sections 341, 323, 379, 504, 506/ 34 of the Indian Penal
Code and Section 3(i)(r)(s) of the Scheduled Castes &



Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that nine named accused persons including the appellant intercepted him and his father at Panditpur Market and abused them by taking caste name and they assaulted him and his father. It is next alleged that Bashist Sah Yadav took out Rs.50,000/- and Sanjay Yadav snatched golden chain worth Rs.25,000/- from the neck of the informant. Further, a panchayati was called and on several dates, the panchayati was held, but the accused persons including the appellant were not willing to adhere to the panchayati, as such, the present F.I.R. was instituted.

The learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation of hurling abuse is alleged against the appellant. It is next submitted that allegation of assault is also not specific and the date of occurrence is 11.05.2022 and the F.I.R. has been instituted on 03.06.2022 i.e. after a delay of nearly more than 23 days, which cast an aspersion on the case of the prosecution. It is



further submitted that the allegation does not even remotely suggest that the occurrence was witnessed by any witnesses, though, it is alleged that the occurrence had taken place in a market.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 17.10.2022 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Paharpur P. S. Case No.192 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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