

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1064 of 2023**

Arising Out of PS. Case No.-315 Year-2021 Thana- MAJHAULIA District- West Champaran

1. Bir Sahni @ Vira Sahni S/O Late Dharman Sahni Resident Of Village- Utri Noniya, Dab Tola, P.S.- Paharpur, District- East Champaran.
2. Anand Kumar @ Anand Sahni S/O Bir Sahni @ Vira Sahni Resident Of Village- Utri Noniya, Dab Tola, P.S.- Paharpur, District- East Champaran.

... .. Appellants

Versus

1. The State Of Bihar
2. Manoj Ram S/O Sukhal Ram Resident Of Village- Ahwar Kudiya, Ward No.- 11, P.S.- Majhauliya, District- West Champaran.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Anil Kumar, Advocate
For the Respondent/s	:	Usha Kumari 1, Spl. Public Prosecutor
for respondent no.2		Mr. AK Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 22-09-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 12.8.2021 passed in a case registered for the offence punishable under sections 323,324, 504,506 and other sections of the IPC and sections 3(i)(r)(s)/3(ii)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, appellant no.1 is



alleged to have assaulted Rakesh with iron rod, whereas appellant no.2 assaulted Ranjan with stocks and also abused the informant by caste name.

4. Learned counsel appearing for the appellants submits that these appellants are not the assailant of the deceased. Though appellants are alleged to have assaulted Rakesh and Ranjan respectively, but there is no injury report to support the allegation. It is not the case of the informant that any member of public was present at the place of occurrence, as such, no case under SC/ST Act is made out against the appellants.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the fact that the appellants are not assailant of the deceased, this appeal is allowed and the impugned order is set aside.

7. Let the appellants, named above, in the event of their arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on 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 Additional Sessions Judge I cum Special Judge, SC/ST Act



Bettiah, West Champaran in Majhauriya Police Station Case No.
315 of 2021.

Shashi (Prabhat Kumar Singh, J)

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