

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2103 of 2021**

Arising Out of PS. Case No.-303 Year-2019 Thana- KARJA District- Muzaffarpur

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1. BAIDYA NATH SAHANI S/O JODHA SAHANI R/O VILLAGE-BARKAGAON TOLE-MATHIYA, P.S-KARJA, DISTRICT-MUZAFFARPUR.
 2. JAGARNATH SAHANI S/O JODHA SAHANI R/O VILLAGE-BARKAGAON TOLE-MATHIYA, P.S-KARJA, DISTRICT-MUZAFFARPUR.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Nawal Kumar Bhajan Paswan R/o Village- Barkagaon, P.S.- Karja, Dist.- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Alok Kumar Alok, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Udit Narayan Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-02-2023 Heard learned counsel for the appellants, learned counsel
for the respondent no.2 and learned Spl.P.P. for the State.

Learned counsel for the appellants is directed to remove
the defects, as pointed out by the Office within four weeks.

In view of the Apex Court order dated 10th January, 2022,
in *Re: Cognizance for Extension of Limitation*, Suo Moto Writ
(Civil) No. 3 of 2020, the delay in filing of this appeal is hereby
condoned.

This is an appeal under section 14 (2) A of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act



(hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 01.06.2020, passed by learned Special Judge (SC/ST) Act, Muzaffarpur, in connection with Karja P.S. Case No.303 of 2019, registered u/s 147, 148, 149, 323, 324, 307, 504 and 506 of the IPC and sections 3(i)(r)(w) of the SC/ST Act.

As per F.I.R., one Ram Ekbal Sahni abused the informant and his friend by taking caste name. It is further alleged that Ram Ekbal Sahni alongwith other co-accused persons including the appellants assaulted the informant and his friend by means of deadly weapons due to which they sustained injuries.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view. There is no specific allegation against the appellants. The specific allegation is against the co-accused Ram Ekbal Sahni and Amarendra Sahni. He further submits that at the best the appellants are the member of mob, this fact is also not denied by the learned counsel for the



respondent no.2. The injuries sustained by the injured are found to be simple in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST) Act, Muzaffarpur, in connection with Karja P.S. Case No.303 of 2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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