

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1861 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- SC/ST District- East Champaran

1. UMAKANT RAI @ UMAKANT KUMAR SON OF SATAN RAI Resident of village - Badheya Kauwaha, P.S. - Sugauli, Distt. - East Champaran at Motihari
2. ACHHELAL RAI SON OF LATE RAM RATAN RAI @ RAMRATAN RAI @ LATE RAMRAHAN RAI Resident of village - Badheya Kauwaha, P.S. - Sugauli, Distt. - East Champaran at Motihari
3. MANJAY RAI @ MANJAY KUMAR SON OF ACHHELAL RAI Resident of village - Badheya Kauwaha, P.S. - Sugauli, Distt. - East Champaran at Motihari
4. SANJAY RAI @ SANJAY KUMAR SON OF ACHHELAL RAI Resident of village - Badheya Kauwaha, P.S. - Sugauli, Distt. - East Champaran at Motihari
5. LALSA DEVI WIFE OF SATAN RAI Resident of village - Badheya Kauwaha, P.S. - Sugauli, Distt. - East Champaran at Motihari
6. PUNAM DEVI WIFE OF ACHHELAL RAI Resident of village - Badheya Kauwaha, P.S. - Sugauli, Distt. - East Champaran at Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. SHIVKALI DEVI WIFE OF PRABHU RAM Resident of village - Badheya, P.S. - Sugauli, Distt. - East Champaran at Motihari, upon which a formal First Information Report has been drawn-up

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shashank Shekhar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Binay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-08-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

2. This is an appeal under section 14 A (2) 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 17.03.2023, passed by learned Special Judge, SC/ST Act, East Champaran at Motihari, in connection with SC/ST P.S. Case No.41 of 2022, registered u/s 147, 341, 323, 324, 354(B), 427, 504 and 506 of the IPC and sections 3(1)(r)(s)/ w(1), 3(2)(va) of the SC/ST Act.

3. As per F.I.R., all the F.I.R. named accused persons armed variously came to the door of the informant and started abusing and on protest, they assaulted her with iron rod, lathi and danda. It is alleged that appellant no.2 and appellant no.4 disrober her and all accused indiscriminately assaulted the family of the informant. Appellant nos.3 and 4 assaulted the informant with bhala. Thereafter, all the accused vandalized her hut.

4. 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 occurrence is said to have taken place inside the house of the informant and not in a public view. There is general and omnibus allegation against all the accused to abuse the informant and injury was found simple in



nature, which is clear from the Annexure-2 series. There is a land dispute between the parties and also there is a case and counter-case between the parties and firstly the appellants' side have filed case against the informant's side. Appellants have one criminal antecedent.

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

6. Considering the facts and circumstances of the case and the nature of injury, 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, East Champaran at Motihari, in connection with SC/ST P.S. Case No.41 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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