

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1913 of 2023

Arising Out of PS. Case No.-525 Year-2022 Thana- SUGAULI District- East Champaran

1. 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
2. UMAKANT RAI @ UMAKANT KUMAR Son of Satan 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 ACHELAL RAI Resident of village - Badheya Kauwaha, P.S. - Sugauli, Distt. - East Champaran at Motihari

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shashank Shekhar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, APP. Mr. Binay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 09-08-2023 Heard the parties.

2. 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 17.03.2023 passed by learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with Sugauli P.S. Case No. 525 of 2022 registered under Sections 341, 323, 324, 325, 307,



379, 504, 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, all the accused persons including the appellants came to the informant and assaulted him. Appellant no.1 assaulted him with an iron rod on his right wrist, whereas co-accused Suraj Rai, assaulted him with a lathi on his head and when the informant's wife and other family members came there to save him, they assaulted them indiscriminately.

4. It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case between the parties. Appellants have one criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that there is specific allegation against appellant no.1 to assault the informant by means of iron rod, due to which he sustained grievous injury and hence, appellant no.1 does not deserve



anticipatory bail.

6. In the facts and circumstances of the case, as there is no specific overt act against the appellant nos. 2, 3, 4, 5 & 6, the above named appellant nos. 2, 3, 4, 5 & 6, in the event of their 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) 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 Sugauli P.S. Case No. 525 of 2022 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As there is specific allegation of assault against appellant no.1 due to which the informant sustained grievous injury, I am not inclined to enlarge the appellant no.1 on bail. The prayer for bail of the appellant no.1 is hereby rejected.

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

(Anjani Kumar Sharan, J)

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