

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2360 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- TIKAPATTI District- Purnia

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1. RANJAN SAHANI SON OF BAHADUR SAHANI RESIDENT OF VILLAGE- TELDIHA, PS- TIKAPATTI, DISTT- PURNEA
 2. Bibhuti Sahani Son of Girijanand RESIDENT OF VILLAGE- TELDIHA, PS- TIKAPATTI, DISTT- PURNEA

... .. Appellant/s

Versus

1. The State of Bihar
2. PRITY DEVI WIFE OF TILO RAM RESIDENT OF VILLAGE- TELDIHA, PS- TIKAPATTI, DISTT- PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-09-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about her appearance in the appeal but nobody appears on her behalf.

3. This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes Act against the refusal of prayer for anticipatory bail vide order dated 28.03.2023/27.04.2023, passed by learned Special Judge, SC/ST Act, Purnea, in connection with Tikapatti P.S. Case No.140 of 2022, registered u/s 341, 323, 354, 307, 504, 34 of the IPC and sections 3(i)(r)



(s), 3(2)(va) of the SC/ST Act.

4. As per the F.I.R., the named accused persons including the appellants came armed variously and one Ashok Singh abused by taking caste name and ordered to kill the informant. Thereafter, appellant no.2 and one accused assaulted on the head of the informant by means of bamboo and appellant no.1 assaulted on his head.

5. 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 there is no specific overt act against the appellants with regard to abusing the informant. The injury suffered was found simple in nature, which is clear from the impugned order itself. It is further submitted that there is an admitted land dispute between the parties, which is evident from Annexure-3 of the memo of appeal. Earlier the appellants' side had filed case against the informant, thereafter, the present case has been filed by the informant only with an ulterior motive. Appellants have no criminal antecedent.



6. Learned Spl. PP for the State opposed the prayer for bail.
7. Considering the facts and circumstances of the case and the judgment of the Apex Court in the case of ***Hitesh Verma vs. State of Uttarakhand & Anr.*** reported in ***2020 (10) SCC 710***, I am inclined to enlarge the appellant nos.1 and 3 named above on anticipatory bail, as such, let the appellant nos.1 and 3, 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, Purnea, in connection with Tikapatti P.S. Case No.140 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.
8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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