

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2577 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- RAJEPUR District- East Champaran

1. HARIVANSH SAHANI Son of Late Bijali Sahani @ Bijuli Sahani Resident of Village - Chakki Bhurkurwa, P.S. - Rajepur, District - East Champaran.
2. Lal Babu Sahani Son of Harivansh Sahani Resident of Village - Chakki Bhurkurwa, P.S. - Rajepur, District - East Champaran.
3. Krishna Sahani @ Krishna Kumar Sahani Son of Harivansh Sahani Resident of Village - Chakki Bhurkurwa, P.S. - Rajepur, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Binda Baitha Son of Badari Baitha R/o Village - Chakki Bhurkurwa, P.S. - Rajepur, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhurendra Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 25-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In compliance of the order dated 14.12.2022, a jointness petition has been filed, stating therein at para-4 that notice was received by son of respondent no.2, who is residing with the informant jointly.

Accordingly, the notice is being treated as validly served upon respondent no.2 but none appears on his behalf.

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



Amendment Act 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 08.06.2022, passed by learned Special Judge, SC/ST Act, East Champaran at Motihari, in connection with Rajepur P.S. Case No.33 of 2022, registered u/s 147, 149, 447, 341, 323, 307, 354, 385, 504, 506 of the IPC and sections 3(i)(r) (s) of the SC/ST Act.

As per F.I.R., all the F.I.R. named accused persons including the appellants forming an unlawful armed with weapons came to the house of informant and abused the informant by taking his caste name and on instigation of co-accused Nandu Sahani, they assaulted the informant by lathi.

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 is not said to have been taken place in the public view. There is general and omnibus allegation against the appellants to abuse the informant by taking caste name and the specific allegation is against co-accused Dinanath Sahani, who assaulted the



informant, which injury was treated in the hospital. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is no specific allegation against the appellants, 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 Rajepur P.S. Case No.33 of 2022, 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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