

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3000 of 2023**

Arising Out of PS. Case No.-29 Year-2023 Thana- SC/ST District- Samastipur

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1. SURESH SAHNI SON OF LATE JAGAN SAHNI
  2. AMARJEET SAHNI SON OF SURESH SAHNI
  3. SANTOSH SAHNI SON OF SURESH SAHNI
  4. PUJA KUMARI DAUGHTER OF AMARJEET SAHNI
  5. RAMDAI DEVI WIFE OF SURESH SAHNI
  6. ASHA DEVI WIFE OF SANTOSH SAHNI
  7. ANITA DEVI WIFE OF AMARJEET SAHNI

ALL ARE RESIDENTS OF VILLAGE- KHETAPUR, PS - SARAI  
RANJAN, DISTT. - SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. RAM LAKHAN PRASAD SON OF SHRI RAM EKBAL DAS RESIDENT  
OF VILLAGE- KHETAPUR, PS- SARAI RANJAN, DISTT-  
SAMASTIPUR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Amit Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      01-08-2023      1. Learned counsel for the appellants at the outset seeks permission to withdraw the prayer for anticipatory bail with respect to appellant no. 2.
2. Permission is accorded.
3. Accordingly, the prayer for anticipatory bail with respect to appellant no. 2 is dismissed as withdrawn.
4. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.



5. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 26.05.2023 in A.B.P. No. 1600 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with SC/ST P.S. Case No. 29 of 2023 registered under Sections 147, 149, 341, 323, 324, 354, 504 and 379 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.

6. Learned counsel for the appellants submits that rest of the appellants are persons with clean antecedent and appellant nos. 4 to 7 are women.

7. The informant alleges that on 19.04.2023, the appellants came variously armed and Suresh Sahni abused the informant by taking caste name and ordered to damage the house, accordingly the appellants started damaging the house of the informant with Khanti and also threw his household articles and when the parents of the informant came to save him Santosh Sahni and Suresh Sahni assaulted them. Thereafter Amarjeet assaulted the informant with knife causing injury on his shoulder and Santosh Sahni assaulted by an iron rod on the head



of the informant causing injury on his back. On account of occurrence, the informant lost articles worth Rs.5 lakhs.

8. Learned counsel for the appellants submits that appellants have been falsely implicated in the present case. It is further submitted that the date of occurrence is 19.04.2023 and the FIR has been instituted on 22.04.2023 i.e. after a delay of merely three days without any plausible explanation which casts aspersion on the case of the prosecution that as to whether the occurrence in the manner as alleged had taken place or not. It is next submitted that the FIR does not even remotely suggest that the occurrence was witnessed by any witnesses.

9. Learned Special Public Prosecutor and learned counsel for the informant opposed the prayer for anticipatory bail but are not in a position to rebut the submission of the learned counsel for the appellants that there was a delay in instituting the FIR and the occurrence was not witnessed by any witnesses.

10. Considering the submissions made by the learned counsel for the appellant nos. 1 and 3 to 7, let the appellant nos. 1 and 3 to 7, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on



anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

**(Satyavrat Verma, J)**

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