

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3124 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- RAMGARHWA District- East Champaran

RAMSURAT SAHANI SON OF BHIKHAN SAHANI RESIDENT OF
VILLAGE- DHANHAR DIHULI, PS- RAMGARHWA, DISTT- EAST
CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. MUNNA DAS SON OF YADOLA DAS RESIDENT OF VILLAGE-
DHANHAR DIHULI, PS- RAMGARHWA, DISTT- EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Singh, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P. Mr.Dhannjay Kumar No.2, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-10-2023 Heard learned counsel for the appellant, 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)
Amendment Act, 2015 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for anticipatory bail
vide order dated 29.05.2023, passed by learned Special Judge,
SC/ST (POA), East Champaran at Motihari, in connection with
Ramgarhwa P.S. Case No.11 of 2023, registered u/s 354 of the
IPC and sections 3(i)(a)(r)(s) of the SC/ST Act.

3. As per the F.I.R., the accused persons came armed
variously to the house of the informant and for some altercation,



they abused the informant with his caste name and also assaulted him. Appellant is said to have abused the aunt of the informant by caste name.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is stated that the alleged occurrence is said to have taken place on 11.12.2022 and the complaint is filed on 03.01.2023 i.e. after delay of more than 23 days. It is submitted that earlier the appellant's side filed F.I.R. against the informant and other co-accused persons on 13.12.2022, thereafter, in retaliation, the present complaint is filed against the appellant and others. There is a land dispute between the parties, which fact is not denied by the learned counsel for the informant. It is further submitted that no offence under the SC/ST Act is made out against the appellant as the alleged occurrence is not said to have taken place in public view. Appellant has no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA), East Champaran at Motihari, in connection with Ramgarhwa P.S. Case No.11 of 2023, 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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