

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3196 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- DHAKA District- East Champaran

1. KRISHNA SAHANI Son of Suraj Sahani @ Sanjay Sahani Resident of village - Mahuawa, P.S. - Dhaka, Distt. - East Champaran
2. Santosh Sahani Son of Arjun Sahani Resident of village - Mahuawa, P.S. - Dhaka, Distt. - East Champaran

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Shambhu Paswan Son of Ram Narayan Paswan Resident of village - Mahuawa, P.S. - Dhaka, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-12-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 30.08.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 19.06.2023 passed by learned Special Judge,



SC/ST Act, East Champaran at Motihari in connection with Dhaka P.S. Case No. 208 of 2023 registered under Sections 307/34 of the Indian Penal Code, Section 27 of Arms Act and Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellants, armed with deadly weapons, came to the informant and surrounded him. On objection, co-accused Kali Sahani abused him by taking his caste name and with an intention to kill him, fired upon him, which hit in his abdomen.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They 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 specific allegation of slating the informant by taking his caste name against co-accused Kali Sahani. Appellant no.1 has one criminal antecedent, whereas appellant no.2 has no criminal antecedent as mentioned in para-3 of memo of appeal.

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



7. In the facts and circumstances of the case, as there is no specific allegation of slating the informant by taking his caste name, the above named appellants, 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 Dhaka P.S. Case No. 208 of 2023 , 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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