

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2922 of 2022

Arising Out of PS. Case No.-164 Year-2020 Thana- SINGHWARA District- Darbhanga

1. Uchit Sahni Son Of Buni Sahni Resident Of Village - Bhajaura, P.S. - Singhwara, District - Darbhanga.
2. Jeewan Sahni Son of Buni Sahni Resident of Village - Bhajaura, P.S. - Singhwara, District - Darbhanga.
3. Ram Bhajan Sahni Son of Buni Sahni Resident of Village - Bhajaura, P.S. - Singhwara, District - Darbhanga.
4. Ram Bharosh Sahni Son of Buni Sahni Resident of Village - Bhajaura, P.S. - Singhwara, District - Darbhanga.
5. Buni Sahni Son of Late Anup Sahni Resident of Village - Bhajaura, P.S. - Singhwara, District - Darbhanga.

... .. Appellants

Versus

1. The State of Bihar
2. Manju Devi Wife of Late Satyanarayan Mahto Resident of Village - Bhajaura, P.S. - Singhwara, District - Darbhanga.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Pankaj Kumar Das, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Addl Public Prosecutor
for respondent no.2.		Mr. Ashish, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-03-2023 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against order dated 22.12.2021 passed by learned Additional Sessions Judge –III cum Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in a case registered for the offence punishable under Sections 341,323,354,379,504,308/34 of the Indian Penal Code and Section 3 (i) (r) (s) of the SC/ST (POA) Act as, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, when the informant refused to give biscuit to the accused persons on credit, these



appellants and other accused persons assaulted and abused the informant by her caste name. They also tore her clothes and snatched gold chain.

Learned counsel for the appellants submits that there is a case and counter case in which both sides sustained injuries. There is land dispute between the parties and prior to the present case, appellant no.2 filed a Singhwara Police Station Case No. 153/2020. Accusations alleged against the appellants do not make out a case under the SC/ST (POA) Act against them as the same has been made with mala fide intention for preventing the appellants and their family members from taking advantage of the beneficent provisions under the Code of Criminal Procedure. Appellants claims clean antecedent.

Learned counsel for the state as well as respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and the nature of dispute, this appeal is allowed and the impugned order dated 22.12.2021 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III cum Exclusive Special Judge, SC/ST Act (POA), Darbhanga in Singhwara Police Station Case No. 164 of 2020.

(Prabhat Kumar Singh, J)

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