

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3422 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- DARPA District- East Champaran

1. Dhiraj Sah @ Dhiraj Kumar Son Of Upendra Sah @ Upendra Prasad R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran
2. Upendra Sah @ Upendra Prasad Son Of Late Sarjug Sah R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran
3. Santosh Sah @ Santosh Kumar Son Of Nand Sah @ Nandlal Prasad R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran
4. Chandeshwar Sah Son Of Late Shankar Sah R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran
5. Nandlal Sah @ Nand Sah @ Nandlal Prasad Son Of Late Shankar Sah R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran
6. Deepak Sah @ Deepak Kumar Son Of Upendra Sah @ Upendra Prasad R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran
7. Niraj Sah @ Niraj Kumar Son Of Upendra Sah @ Upendra Prasad R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran
8. Manish Sah @ Manish Kumar Son Of Virendra Sah @ Virendra Prasad R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran
9. Amit Sah @ Amit Kumar Son Of Late Raja Sah @ Raja Kumar Prasad R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Ravin Paswan, R/O-Narkatiya, P.S.-Darpa, Distt.-East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has
informed that in compliance of the order dated 23.08.2023, he



has informed the informant but none is present on her 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 05.07.2023 passed by learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with Darpa P.S. Case No. 15 of 2023, registered under Sections 341, 323, 324, 354-A, 504 of the Indian Penal Code and Section 3(i) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. According to prosecution case, as per F.I.R. the appellants and two co-accused persons armed with Lathi, Fatha and Farsa and they prohibited the informant's husband for keeping the Naad on the land in question, then Dhiraj Sah (appellant no.1) assaulted the informant's husband with slippers and co-accused Virendra Sah ordered to murder him and abused the informant in filthy language. Manish Sah (appellant no.8) gave Farsa blow on the head of informant's husband Rovin Sah causing cut injury and when the informant went to save her husband, co-accused Virendra Sah caught hold her hair and put her down and began to assault with feet and fist. Niraj Sah



(appellant no.7) tore the sari of informant due to which the informant became unveiled and during course thereof co-accused Virendra Sah broke gold Mangalsutra from the neck of the informant.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute between the parties, dirty village politics and personnel grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Both sides have sustained injury but the injury was found simple in nature. Slating the informant in the name of caste is said to have been made at the house of the appellants and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants have 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, let 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 Darpa P.S. Case No.15 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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