

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.683 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- SIKTA District- West Champaran

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1. Amarjeet Sah, Son of Sitarram Sah, Resident of Village- Sirisiya, P.S.- Skita, Distt- West Champaran
 2. Shatrughan Sah, Son of Fulena Sah, Resident of Village- Purbi Kargahiya, P.S.- Bettiah Town, Distt- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamlesh Baitha, S/o Sipahi Baitha, Village-Sirisiya, Ward no-09, P.S-Sikta, District-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-03-2023 Despite valid service of notice, nobody appears on behalf of the respondent No. 2.

Heard learned counsel appearing on behalf of appellants and Spl.P.P.

This criminal appeal has been filed against the order dated 02.11.2020 passed by learned Additional Sessions Judge 1st-cum-Special Judge SC/ST (POA) Act, West Champaran, Bettiah in connection with Sikta P.S. Case No. 78 of 2020, registered under Sections 406, 420, 467, 468, 471/34 of the Indian Penal Code and Sections 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby



the prayer for anticipatory bail of appellants has been rejected.

As per prosecution case, these appellants caused caste-based abuse to the informant and others while they were planning to hand them over to the police.

It is submitted on behalf of appellants that the appellants are quite innocent and are simply victims of false implication in the present case which has been lodged in retaliation to and reprisal of Sikta P. S. Case No. 77 of 2020 lodged by appellant No. 1 against the informant and others. It is not the case of informant that there was any public at the time of incident, as such, basic ingredient, that words were uttered in any place within public view, is not made out.

Learned Special Public Prosecutor for the State vehemently opposes the prayer for anticipatory bail of the appellants.

Considering the facts and circumstances of the case, impugned order dated 02.11.2020 passed by learned Additional Sessions Judge 1st-cum-Special Judge SC/ST (POA) Act, West Champaran, Bettiah in connection with Sikta P.S. Case No. 78 of 2020 is set aside.

Let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in connection with Sikta P.S. Case No. 78 of 2020.

Accordingly, the impugned order, is set aside and the criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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