

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3631 of 2023

Arising Out of PS. Case No.-25 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. LALBABU SAH Son of Late Yodha Sah Resident of Village-Baswaria, P.S.-
Muffasil Motihari, District-East Champaran
 2. RAJA SAH @ RAJA KUMAR Son of Lalbabu Sah Resident of Village-
Baswaria, P.S.-Muffasil Motihari, District-East Champaran
 3. RAMAYAN SAH Son of Lalbabu Sah Resident of Village-Baswaria, P.S.-
Muffasil Motihari, District-East Champaran
 4. LAVKUSH SAH Son of Lalbabu Sah Resident of Village-Baswaria, P.S.-
Muffasil Motihari, District-East Champaran
 5. SANTOSH SAH Son of Lalbabu Sah Resident of Village-Baswaria, P.S.-
Muffasil Motihari, District-East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prateek Tandon, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.
Mr. Vijay Shankar Shrivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsels for the parties.

2. 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 25.05.2023 passed by learned Special Judge (SC/ST) Act, East Champaran, Motihari in connection with Complaint Case No. C-25 of 2019 registered under Section 323



of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the named accused persons entered the house of the complainant and started abusing him by taking his caste name. Appellant Santosh Sah assaulted him with *lathi* on his back, whereas appellants Lalbabu Sah and Raja Sah tried to outrage the modesty of his wife and snatched her ornament. Appellant Luvkush Sah took bicycle of the complainant and other belongings.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. No such occurrence as alleged ever took place. 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 dirty village politics. The allegation of assault and abuse levelled against the appellants is not specific rather general and omnibus in nature. There is case and counter case between the parties. Appellants have two criminal antecedents as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State as well as learned counsel for the complainant opposes the prayer for bail and submits that



the anticipatory bail of the appellants is not maintainable as cognizance has been taken against them. They further relied upon the judgment of the Apex Court in the case of ***Bachu Das Vs. State of Bihar and others*** since reported ***in (2014) 3 Supreme Court Cases 471.***

7. Considering the arguments of the parties as well as the view of the law laid down by the Hon'ble Apex Court in the case of ***Bachu Das Vs. State of Bihar and others***, I am not inclined to enlarge the appellant on bail. The prayer for anticipatory bail is hereby rejected.

8. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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