

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3626 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- SC/ST District- Sitamarhi

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1. RAM BACHAN SAHNI SON OF KHAKHAN SAHNI RESIDENT OF VILLAGE- SIRA, WARD NO 10, PS- DUMRA, DIST- SITAMARHI
 2. BIKAU SAHNI SON OF KHAKHAN SAHNI RESIDENT OF VILLAGE- SIRA, WARD NO 10, PS- DUMRA, DIST- SITAMARHI
 3. LALITA DEVI WIFE OF RAM BACHAN SAHNI RESIDENT OF VILLAGE- SIRA, WARD NO 10, PS- DUMRA, DIST- SITAMARHI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RENU DEVI WIFE OF KAPAL DAS RESIDENT OF VILLAGE- SIRA PS- DUMRA, DIST- SITAMARHI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-09-2023 1. Heard learned counsel for the appellants, the State and informant.

2. This appeal has been filed for setting aside order dated 19.07.2023, passed in a case registered for the offence punishable under sections 341, 323, 354A, 457, 380, 504, 506/34 of the IPC and sections 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the F.I.R., on 26.05.2023 at about 2:00 P.M.,



petitioner No.1 came at the door of the informant, Renu Devi and abused her caste name and caught her hair, pushed her down and assaulted her with legs and shoes. On hulla, other co-accused, appellant No.2 and 3 came there and all of them again abused her by caste name. It is further alleged that they entered into the house of the informant and appellant No.2 took out cash Rs.50,000/- kept in a box. When her son Arvind Kumar came to her rescue, accused persons abused him by caste name and assaulted with legs, shoes and slaps.

4. It is submitted on behalf of the appellant that the present case is counter blast to save her skin from Dumra P.S. Case No. 277 of 2023 which has been lodged by the appellant No.3 against the informant and others. F.I.R. has been lodged after delay of 10 days and there is no explanation for the same which itself creates doubt about veracity of the case. There is no injury report on record. Rest of the allegation are ornamental in nature. Learned counsel for the appellant further submits that it is not the case of the informant that any member of the public were present at the place of occurrence, as such no offence is made under SC/ST Act. Appellants are said to be clean antecedent.

5. Counsel for the State as well as informant both



opposed the prayer for bail.

6. Considering the nature of accusation and clean antecedent of the appellants, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of their arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with SC/ST P.S. Case No. 26 of 2023.

(Prabhat Kumar Singh, J)

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