

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4125 of 2023

Arising Out of PS. Case No.-291 Year-2023 Thana- CHIRAIYA District- East Champaran

RAJESH SAHANI S/O GIRDHARI SAHANI R/O VILLAGE- SIMERA,
P.S- CHIRAIYA, DISTT.- EAST CHAMPARNA AT MOTIHARI.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. AKALI DEVI W/O YOGINDA DAS R/O VILLAGE- SIMERA, P.S-
CHIRAIYA, DISTT.- EAST CHAMPARAN AT MOTIHARI.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Radha Mohan Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP. Ms. Ranjana Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 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 17.08.2023 passed by learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 291 of 2023 registered under Sections 341, 323, 447, 448, 354(B), 379, 427, 504 & 34 of the Indian Penal Code and Section 3 (i) (r) (s) (w) (i), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. Allegation against the appellant is that he along with other accused persons assaulted the informant and abused her by taking her caste name. Petitioner is said to have tried to outrage the modesty of the informant.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation of assault and abuse levelled against the appellant is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, as there is no specific overt act against the appellant, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 291 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

