

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4165 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- PATAHI District- East Champaran

1. Dinanath Sah S/O Raja Ram Sah Resident Of Village Patahi Nankar, Ps- Patahi, Dist- East Champaran
2. Chandeshwar Prasad Sah @ Chandrashekhar Sah Son Of Late Gyani Sah Resident Of Village Patahi Nankar, Ps- Patahi, Dist- East Champaran
3. Ranjit Sah Son Of Krishna Sah Resident Of Village Patahi Nankar, Ps- Patahi, Dist- East Champaran
4. Santosh Kumar Sah Son Of Shankar Sah Resident Of Village Patahi Nankar, Ps- Patahi, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithlesh Devi Wife Of Nanhak Das Village- Patahi Nankar, Ps- Patahi, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-11-2023 Heard learned counsel for the appellants, learned

counsel for the informant and learned Special Public

Prosecutor for the State.

2. The instant appeal has been filed by the

appellants against the order dated 22.08.2023 passed by

learned Special Judge, SC/ST Act, East Champaran, Motihari

whereby the prayer for bail of the appellants in connection

with Patahi P.S. Case no. 231 of 2023 under Section 147,



149, 341, 323, 324, 325, 307, 504, 506, 379, 354 of the Indian Penal Code and sections 3(i)(r)(s), w(i), 3(2)(va) of SC/ST Act was rejected.

3. Allegations against the appellants and other co-accused persons are that they, variously armed, entered into the house of informant and abused her by calling her caste name. It is further alleged that they assaulted the informant as well as her family members due to which they sustained injuries.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. There is inordinate delay of two days in lodging the F.I.R. There is case and counter case between the parties and in the background of land dispute, the appellants are implicated in this case. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. The appellants are languishing in judicial custody since 24.07.2023.

5. The appeal for bail is opposed by learned Spl.



P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.08.2023 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Patahi P.S. case No. 231 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each of them with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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