

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4088 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- LAUKARIA District- West Champaran

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1. Suresh Sharma Son Of Late Harihar Sharma R/O Village- Nayagaon, P.S.-
Laukariya, District- West Champaran
 2. Nirahu Sharma Son Of Suresh Sharma R/O Village- Nayagaon, P.S.-
Laukariya, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Lucky Devi Wife Of Dipak Ram, D/O Sudama Ram R/O Village- Kotraha,
P.S.- Balmikinagar, District- West Champaran, At Present R/O Village-
Nayagaon, P.S.- Laukariya, District- West Champaran

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-03-2023 Heard learned counsel for the appellants, and

learned Special P.P for the State. In spite of valid

service of notice, none appears on behalf of the

informant.

The appellants have challenged the order dated

13.10.2022 passed by learned Additional District &

Sessions Judge-I-cum-Special Judge, SC/ST, Bettiah,



West Champaran in connection with Laukariya P.S. Case No. 90 of 2022 instituted for the offences punishable under Sections 341, 323, 354(B), 307, 379, 34 of the Indian Penal Code and Sections 3(i)(r)(w) of the SC & ST (Prevention of Atrocities) Act whereby his prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that in the background of quarrel between the children, the appellants along with other accused persons came at the door of the informant with lathi, danda and started abusing and when the informant raised protest, the accused persons assaulted the informant and other family members of the informant.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. There is general and omnibus allegation against the appellants and in the background of a petty dispute, the present accusation has been levelled against the appellants. The occurrence



did not take place in public view, hence, the provision of the SC/ST Act shall not be attracted in the case of the appellants. The appellants are in custody since 01.09.2022. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Learned Special P.P for the State has vehemently opposed the prayer for bail of the appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 13.10.2022 passed by learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with Laukariya P.S. Case No. 90 of 2022.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released 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 Additional



District & Sessions Judge-I-cum-Special Judge, SC/ST,
Bettiah, West Champaran in connection with Laukariya
P.S Case No. 90 of 2022.

(Sunil Kumar Panwar, J)

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