

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.108 of 2023

Arising Out of PS. Case No.-294 Year-2022 Thana- LAURIA District- West Champaran

1. TERAS SAHANI SON OF LATE GHUGHALI SAHANI R/O VILL.- SAHUWA TARD, P.S.- LAURIYA, DISTT.- WEST CHAMPARAN
2. BIKASH KUMAR @ VIKASH KUMAR SON OF SATAN SAHNI R/O VILL.- SAHUWA TARD, P.S.- LAURIYA, DISTT.- WEST CHAMPARAN
3. MANOJ SAHNI @ MANJAY SAHANI @ MANJAY KUMAR SON OF SATAN SAHNI R/O VILL.- SAHUWA TARD, P.S.- LAURIYA, DISTT.- WEST CHAMPARAN
4. SANJAY SAHNI SON OF SATAN SAHNI R/O VILL.- SAHUWA TARD, P.S.- LAURIYA, DISTT.- WEST CHAMPARAN
5. GYANTI DEVI WIFE OF TERAS SAHNI R/O VILL.- SAHUWA TARD, P.S.- LAURIYA, DISTT.- WEST CHAMPARAN
6. SURENDRA SAHNI @ SURENDRA FAUJDAR SON OF LATE RAMANAND SAHNI R/O VILL.- SAHUWA TARD, P.S.- LAURIYA, DISTT.- WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. SOSHILA DEVI WIFE OF RAJENDRA RAM R/O VILL.- SAHUWA TARD CHUNHAT, P.S.- LAURIYA, DISTT.- WEST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Brij Kishor Mishra, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Anant Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-03-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

At the outset, learned counsel for the appellants seeks permission to withdraw this appeal only with regard to appellant



no.3, who has been apprehended by the police, during pendency of the memo of appeal.

Permission is granted.

This appeal with regard to appellant no.3 is dismissed as withdrawn.

Now, it is being heard on behalf of appellant nos.1, 2, 4, 5 and 6.

This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 23.11.2022, passed by learned In-charge Additional District and Sessions Judge-1st-cum-Special Judge (SC & ST), West Champaran at Bettiah, in connection with Lauriya P.S. Case No.294 of 2022, registered u/s 147, 149, 341, 323, 354(B), 379, 504, 506 of the IPC and sections 3(1)(r)(s) of the SC/ST Act.

As per F.I.R., the appellants and other accused persons abused and assaulted the informant and when her husband and son came for rescue, they were too abused by the caste name and assaulted by the accused persons.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence.



No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against any specific appellant to have abused the informant by taking her caste name. The alleged date of occurrence is 06.07.2022 but the F.I.R. was lodged on 13.09.2022 i.e. after delay of 58 days without assigning any plausible explanation, which itself creates doubt about the prosecution case. Appellants have no criminal antecedent except appellant no.6, who has one criminal antecedent.

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

Considering the facts and circumstances of the case and considering the delay in lodging of F.I.R., let the appellant nos.1, 2, 4, 5 and 6 named above, in the event of their 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/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned In-charge Additional District and Sessions Judge-1st-cum-Special Judge (SC & ST), West Champaran at Bettiah, in connection



with Lauriya P.S. Case No.294 of 2022, subject to the condition
as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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