

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.541 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- GAUNAHA District- West Champaran

1. Santosh Sah son of Late Chhedi Sah R/o- Singhasni Tola Ps- Sahodra Dist- West Champaran
2. Vijay Sah son of Late Chhedi Sah R/o- Singhasni Tola Ps- Sahodra Dist- West Champaran
3. Ajay Sah son of Late Chhedi Sah R/o- Singhasni Tola Ps- Sahodra Dist- West Champaran
4. Arjun Sah @ Arjun Kumar son of Late Chhedi Sah R/o- Singhasni Tola Ps- Sahodra Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi wife of Harilal Ram R/o- Singhasni Tola Ps- Sahodra Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Gupta, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 22-03-2024 1. Learned counsel for the appellants seeks permission to withdraw the prayer for anticipatory bail with respect to appellant no. 2 (Vijay Sah) and appellant no. 4 (Arjun Sah @ Arjun Kumar).
2. Permission is accorded.
3. Accordingly, the prayer for anticipatory bail with respect to appellants no. 2 and 4 is dismissed as withdrawn.
4. Heard learned counsel for the parties.
5. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.01.2024 in



A.B.P. No. 3294 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T., West Champaran at Bettiah in connection with Gaunaha P.S. Case No. 209 of 2023 registered under Sections 302, 201, 120(B) and 34 of the Indian Penal Code as well as Sections 3(2)(v-a) of the SC/ST Act.

6. Learned counsel for the appellants no. 1 and 3 submits that appellants no. 1 and 3 have antecedent of one case but then the said case was also lodged by the husband of the respondent no. 2. It is further submitted that the appellants no. 1 and 3 have been falsely implicated in the present case by the respondent no. 2 with an allegation that she suspects the hand of the appellants no. 1 and 3 in the murder of her husband whose dead body was found lying in a sugarcane field. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the respondent no. 2 is not an eyewitness to the occurrence and the entire allegation hinges around suspicion. It is also submitted that appellants no. 1 and 3 will not abscond rather will cooperate in the investigation.

7. Learned Special Public Prosecutor and learned counsel appearing on behalf of the respondent no. 2 opposed the prayer for anticipatory bail but are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants no. 1 and 3 that the respondent no. 2 is not an eyewitness to the occurrence and the entire allegation hinges around suspicion.

8. Considering the aforesaid submissions, let the



appellants no. 1 and 3, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

10. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that appellants no. 1 and 3 despite giving assurance to this Court are not cooperating in the investigation, the learned court below shall be at liberty to cancel the bail bonds of the appellants no. 1 and 3 after recording reasons.

(Satyavrat Verma, J)

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