

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1228 of 2024

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

Om Prakash Sah Son of Raja Ram Sah Resident of village - Patahi Tola Nankar, P.S.- Patahi, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithlesh Devi Wife of Nanhak Das Resident of village - Patahi Tola Nankar, P.S.- Patahi, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar

For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-07-2024 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 20.01.2024 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari whereby the prayer for anticipatory 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 appellant 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 appellant that appellant has 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 appellant is implicated in this case. He has 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. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.01.2024 is hereby set aside.

7. The above named appellant, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Patahi P.S. case No. 231 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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