

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1582 of 2024

Arising Out of PS. Case No.-540 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

1. Dilip Sah SON OF Bhag Narayan Sah RESIDENT OF VILLAGE- WARD NO. 08, PREM NAGAR, PS- GARHA (RUNNISAIDPUR), DIST- SITAMARHI
2. MANISH KUMAR SON OF DILIP SAH RESIDENT OF VILLAGE- WARD NO. 08, PREM NAGAR, PS- GARHA (RUNNISAIDPUR), DIST- SITAMARHI
3. GUDDI DEVI WIFE OF PRADIP SAH RESIDENT OF VILLAGE- WARD NO. 08, PREM NAGAR, PS- GARHA (RUNNISAIDPUR), DIST- SITAMARHI
4. SANDHYA DEVI WIFE OF DILIP SAH RESIDENT OF VILLAGE- WARD NO. 08, PREM NAGAR, PS- GARHA (RUNNISAIDPUR), DIST- SITAMARHI
5. LALITA KUMARI DAUGHATER OF DILIP SAH RESIDENT OF VILLAGE- WARD NO. 08, PREM NAGAR, PS- GARHA (RUNNISAIDPUR), DIST- SITAMARHI
6. PRADIP SAH SON OF BHAG NARAYAN SAH RESIDENT OF VILLAGE- WARD NO. 08, PREM NAGAR, PS- GARHA (RUNNISAIDPUR), DIST- SITAMARHI

... .. Appellant/s

Versus

1. The State of Bihar
2. HARI KISHORE PASWAN SON OF PRADEEP PASWAN RESIDENT OF VILLAGE- WARD NO. 08, PREM NAGAR, PS- GARHA (RUNNISAIDPUR), DIST- SITAMARHI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Rashmi Jha, Adv
For the State	:	Mr. Binay Krishna, Spl.PP
For the Respondent no.2	:	Mr. Hans Lal Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-10-2024 Heard learned counsel for the appellants, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer of anticipatory bail vide order dated 22.02.2024, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi , in connection with Runisaidpur (Garha) P.S. Case No.540 of 2023, registered under Sections 341, 323, 326, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the informant's son after eating from the shop of the appellant no.6, began to drink water from the mug, upon which, the appellant no.6 abused him by taking caste name and assaulted by slaps. The members of Durga Puja Samiti tried to pacify the matter but in the meantime, the F.I.R. named accused persons including the appellants came there and assaulted the informant's son and poured hot oil on his body.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is submitted that the real fact is that a scuffle took place between the parties



over donation in the Puja Samiti. Informant and others were asking to pay Rs.2100/- as donation for installing food stall but the appellant no.6 was ready to pay Rs.1100/- only. Therefore, the appellants were assaulted and the food stall was vandalized and for this, the appellant no.6 has also filed a case against the present informant's side. Apart from this, for the same occurrence, two F.I.R. has been lodged against the appellants, one being the present one and the other case with different version has been lodged by one other person, in which, SC/ST offence has not been added. It is submitted that the entire family member of the appellant no.6 has been made accused in this case. Appellants have one criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, since for one occurrence, two cases have been lodged, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned 1st



Additional Sessions Judge-cum-Special Judge, SC/ST (POA)
Act, Sitamarhi , in connection with Runisaidpur (Garha) P.S.
Case No.540 of 2023, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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