

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1712 of 2023

Arising Out of PS. Case No.-542 Year-2022 Thana- SUGAULI District- East Champaran

1. Munna Sah S/o Magvir Sah @ Mahabir Sah Resident of Village- Chhapra Bahas, Ward No.- 5, P.O. And P.S.- Sugauli, District- East Champaran.
2. Rupesh Kumar @ Rupesh Sah S/o Achche Sah Resident of Village- Chhapra Bahas, Ward No.- 5, P.O. And P.S.- Sugauli, District- East Champaran.
3. Roopa Devi @ Roopa Kumari W/o Rakesh Sah Resident of Village- Chhapra Bahas, Ward No.- 5, P.O. And P.S.- Sugauli, District- East Champaran.
4. Urmila Devi @ Indu Devi W/o Nandlal Shah @ Nandu Shah Resident of Village- Chhapra Bahas, Ward No.- 5, P.O. And P.S.- Sugauli, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandrika Ram S/o Late Ramdhari Ram Resident of Village- Chhapra Bahas, Ward No.- 5, P.S.- Sugauli, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pravin Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For Resp. No. 2	:	Mr. Bijendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 28-06-2024 Heard Mr. Pravin Kumar, learned counsel for the appellants, Mr. Bijendra Kumar, learned counsel appearing on behalf of the Respondent No. 2 as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 18.03.2023 vide ABP No. 1077 of 2023 passed by the learned Special Judge SC/ST Act, East Champaran, Motihari in



connection with Sugauli P.S. Case No. 542 of 2022, F.I.R. dated 09.12.2022 registered under Sections 341, 323, 324, 235, 354, 379, 504/ 34 of the Indian Penal Code and Sections 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, all the accused persons including these appellants have abused and assaulted the informant and his family on some land dispute. It is further alleged that co-accused Sanjay Sah assaulted the wife of the informant by means of iron khanti on her head resulting into serious injuries.

4. Learned counsel for the appellants submits that appellant nos. 2 to 4 have clean antecedent and appellant no. 1 carries two criminal antecedents other than the present one but he is on bail in both the pending matters. He further submits that the it appears from the F.I.R. that due to admitted land disputed, the present occurrence has taken place. He further submits that there is no allegation of any assault or overt act attributed against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants and there is case and counter case between the parties.

5. Learned counsel appearing on behalf of the



Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Hence, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Sugauli P.S. Case No. 542 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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