

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61312 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- TURKAULIYA District- East Champaran

1. Manju Devi Wife of Vishwanath Sahani Village-Jhakhiya, P.S.-Banjariya, District-East Champaran, Motihari.
2. Prakash Sahani Son of Horil Sahani Village-Jhakhiya, P.S.-Banjariya, District-East Champaran, Motihari.
3. Gama Sahani Son of Horil Sahani Village-Jhakhiya, P.S.-Banjariya, District-East Champaran, Motihari.
4. Bhola Sahani Son of Vishwanath Sahani Village-Jhakhiya, P.S.-Banjariya, District-East Champaran, Motihari.
5. Vishwanath Sahani Son of Bhunesh Sahani Village-Jhakhiya, P.S.-Banjariya, District-East Champaran, Motihari.
6. Sandeep Sahani Son of Bhunesh Sahani Village-Jhakhiya, P.S.-Banjariya, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari Daughter of Upendra Paswan R/O Vill.- Britiya, Loknathpur, P.S.- Turkauli, Dist.- East Champaran, Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-12-2024 1. Heard learned counsel for the petitioners and learned Special P.P. for the State, Mr. Binay Krishna.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 447, 341, 323, 324, 379, 504, 506 and 354(B) of the Indian Penal Code and Sections 3(1)(r), 3(1) (s) and 3(2) (va) of the SC/ST Act read with Section 8 of the POCSO Act.



3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 01.01.2024 while she was returning from her field after leaving her goats for grazing when Prakash Sahani along with one another boy came on a motorcycle and started misbehaving, on protest they assaulted the informant when local people arrived and pacified the matter, it is next alleged that the local people and the family of the informant complained about the occurrence to the family members of Prakash Sahani, further on account of the said complaint made, the accused persons on 02.01.2024 at 03:00 PM along with 15 unknown accused came at the house of the informant armed with deadly weapon and assaulted the informant and her mother and even abused by taking caste name and even spat on the face of the informant and tried to take her away on a motorcycle, it is also alleged that all the accused assaulted Kariman and Rajiv, Bhola assaulted Kariman by *gandasa* and Gama Sahani assaulted Rajeev by *gandasa* causing injury in his eyes while Manju Devi snatched jewellery from the informant.

4. Learned counsel for the petitioners submits that notices were issued on the O.P. No. 2 by order dated 25.09.2024 and the notice has been received by the O.P. No. 2 as would



manifest from the office report dated 10.12.2024, but then it appears that the O.P. No. 2 is not interested in contesting the case, as such no one has appeared on behalf of the O.P. No. 2. It is also submitted that the allegation of assault is general and omnibus in nature. It is further submitted that even injury suffered by the injured is simple in nature. It is further submitted that even presuming what has been alleged is true without admitting then the entire occurrence is said to have taken place at the house of the informant and thus was not in public view and the FIR does not even remotely suggest that any independent witness had witnessed the occurrence, as such, no offence under the SC/ST Act is made out.

5. Learned Special P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, 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 trial court where the case is pending/successor court in connection with



Turkauliya P.S. Case No. 14 of 2024 subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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