

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4192 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- MADHUBAN District- East Champaran

1. DINANATH SAH Son of Late Hajari Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
2. Shambhu Sah Son of Late Hajari Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
3. Shashibhushan Sah @ Shashi Bhushan Sah Son of Late Hajari Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
4. Sunil Sah @ Sunil Kumar Son of Late Hajari Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
5. Anil Sah Son of Late Hajari Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
6. Bajrangi Sah @ Nikhil Raj Son of Shashibhushan Sah @ Shashi Bhushan Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
7. Saurabh Sah @ Saurabh Kumar Son of Sunil Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
8. Sachin Sah @ Sachin Kumar Son of Shashibhushan Sah @ Shashi Bhushan Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
9. Abha Devi @ Asha Devi Wife of Dinanath Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
10. Poonam Devi Wife of Sunil Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
11. Urmila Devi @ Radhika Devi Wife of Shashibhushan Sah @ Shashi Bhushan Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari
12. Mala Devi Wife of Anil Sah R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari

... .. Appellant/s

Versus

1. THE STATE OF BIHAR PATNA
2. Pramila Devi Wife of Sri Upendra Ram R/o vill - Khairwa, P.S. - Madhuban, Distt. - East Champaran at Motihari

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar
For the Respondent/s	:	Mr. Binay Krishna
For the Respondent No.2:	:	Mr. Santosh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL ORDER

4 31-01-2024 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 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.08.2023 passed by learned Special Judge (SC/ST Act), Motihari, East Champaran in connection with Madhuban P.S. Case No.100 of 2023, registered under Sections 147, 149, 341, 323, 354, 379, 504, 506 of the Indian Penal Code and Section 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellants and other co-accused persons abused the informant by taking her caste name and also assaulted her and disrobed her and snatched her jewellery. Some of the accused persons are said to have threatened to cut her throat and parade her naked in the village.

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 dirty village politics. The allegation of assault levelled against



the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. He submits that the appellants have been dragged into this false case due to previous enmity between the parties. He further submits that earlier the uncle-in-law of the informant committed dacoity in the house of the appellants for which the father of appellant nos.1 to 5 lodged Madhuban P.S. Case No.40 of 1983 u/s 395 of the IPC against Suresh Ram and others in which after conclusion of the trial in Sessions Trial No.255 of 1958, Suresh Ram and others have hold guilty and sentenced for seven years and fine of Rs.2000/- each and in default of payment of fine, six months of simple imprisonment was awarded to Suresh Ram and others vide judgment dated 28.04.2004 and Sentence dated 29.04.2004 (Annexure-A/2). Appellant nos.2, 3, 5 to 8 and 10 to 12 have no criminal antecedent whereas appellant no.1 and appellant no.4 has three and two criminal antecedents, respectively, which is also 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. Learned counsel for the respondent no.2 fairly submits that there is no specific overt act against the appellants.



6. In the facts and circumstances of the case as there is no specific overt act against the appellants, 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 Special Judge (SC/ST Act), Motihari, East Champaran in connection with Madhuban P.S. Case No.100 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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