

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4287 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- SC/ST District- East Champaran

1. Munna Sah Son Of Rajendra Sah Resident Of Village- Braham Pura, Ps- Banjariya, Distt- East Champaran
2. Akhilesh Sah @ Aklesh Sah @ Akhilesh Kumar Son Of Rajendra Sah Resident Of Village- Braham Pura, Ps- Banjariya, Distt- East Champaran
3. Dheeraj Sah @ Dheeraj Kumar Sah Son Of Rajendra Sah Resident Of Village- Braham Pura, Ps- Banjariya, Distt- East Champaran
4. Pappu Sah Son Of Panna Lal Sah Resident Of Village- Karmmwaz Bazar, Ps- Sugauli, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanka Kumari Wife Of Narad Sah Resident Of Village- Baraham Pura, Ps- Banjariya, Distt- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Shankar Shrivastava

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-02-2024 Heard learned counsel for the appellants, respondent no.

2 and learned Special Public Prosecutor for the State.

2. Learned counsel for the appellants has filed the supplementary affidavit to correct the address of appellant nos. 1 to 3 as village-Braham Pura, P.S. Banjariya, District-East Champaran in place of village-Karmmwaz Bazar, P.S. Sugauli, District-East Champaran.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST



Act') against the refusal of prayer for bail vide order dated 16.08.2023, passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Motihari SC/ST P.S. Case No. 36 of 2023, registered under Sections 147, 341, 323, 324, 354, 504, 506 of the IPC and Sections 3(i) (r) (s)/w(i)/ 3 (2) (va) of SC/ST Act.

4. Appellants are said to have assaulted the informant and her husband and abused her by taking caste name.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is case and counter case in between the parties and both sides have sustained injury. He submits that the injury found upon the victim is simple in nature. He submits that the appellant no. 3 was also examined by the doctor and found six injuries on his person which are grievous in nature. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

6. However, learned APP for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case and the fact that there is case and counter case and both sides have sustained injury, 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), East Champaran, Motihari in connection with Motihari SC/ST P.S. Case No. 36 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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