

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4280 of 2023

Arising Out of PS. Case No.-238 Year-2023 Thana- CHIRAIYA District- East Champaran

1. SABITA DEVI @ SAVITA DEVI WIFE OF OMPRAKASH SAH
RESIDENT OF VILLAGE- BADA JAIRAM, PS- CHIRAIYA, DISTT-
EAST CHAMPARAN
2. ANIL SAH SON OF RAMSWARATH SAH RESIDENT OF VILLAGE-
BADA JAIRAM, PS- CHIRAIYA, DISTT- EAST CHAMPARAN
3. ARBIND KUMAR SON OF RAMSWARTH SAH RESIDENT OF
VILLAGE- BADA JAIRAM, PS- CHIRAIYA, DISTT- EAST
CHAMPARAN
4. CHANCHAL KUMAR SON OF RAMSWARTH SAH RESIDENT OF
VILLAGE- BADA JAIRAM, PS- CHIRAIYA, DISTT- EAST
CHAMPARAN
5. SUDHIR KUMAR SON OF RAMSWARTH SAH RESIDENT OF
VILLAGE- BADA JAIRAM, PS- CHIRAIYA, DISTT- EAST
CHAMPARAN
6. SURAJ KUMAR SON OF OMPRAKASH SAH RESIDENT OF
VILLAGE- BADA JAIRAM, PS- CHIRAIYA, DISTT- EAST
CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. PRAMILA DEVI WIFE OF RAMBABU BAITHA RESIDENT OF
VILLAGE- BADA JAIRAM, PS- CHIRAIYA, DISTT- EAST
CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rahul Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 05-12-2024 1. Heard learned counsel for the appellants and learned
Additional Public Prosecutor for the State.
2. An order, dated 27.06.2023, passed by learned Special



Judge SC/ST, East Champaran at Motihari, in ABP No. 2999 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Chiraiya Police Station Case No. 238 of 2023 registered for the offence punishable under Sections 147/149/323/379/452/354B of the Indian Penal Code and Section 3(1)(r)(s)(w) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that the police arrested the informant's husband Rambabu Baitha and took him to police station in connection with Chiraiya Police Station Case No. 70 of 2023, which was lodged by the mother of appellant nos. 2 to 5. Thereafter, on 09.04.2023, the appellants entered /arrived at the house of the informant-Pramila Devi, assaulted and abused by her caste name and also snatched golden locket worth Rs. 60,000/-.
4. Learned counsel for the appellants submits that the appellants have not committed any offence in the manner



alleged with an intention to humiliate or commit atrocities upon the informant. Infact, prior to lodging of the present First Information Report, for an occurrence which has taken place on 16.02.2023 against the appellants side by the husband of the informant and other, Chiraiya Police Station Case No. 70 of 2023 was lodged by the mother of appellants nos. 2 to 5. He next submits that the husband of the informant was arrested by the police in connection with Chiraiya Police Station Case No. 70 of 2023 and after the arrest of the informant's husband on 09.04.2023 in order to take revenge, delayed complaint was lodged by the informant after 20 days from the date of occurrence on 29.04.2023, which was subsequently converted into First Information Report under Section 156(3) of the Code of Criminal Procedure.

5. On the other hand, learned counsel for the respondent no. 2 and the State opposes the prayer for anticipatory bail of the appellants and submits that the appellants, taking advantage of the fact that informant's husband had gone to jail, arrived at the house of the informant, assaulted and abused by her caste name and also snatched her valuables. He further submits that the reason for delay in lodging the



complaint is that informant took all possible steps, but the police did not accept the First Information Report.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that husband of the informant was arrested in connection with First Information Report lodged by the side of the appellants and after delay of 29 days from the date of alleged occurrence, the complaint was filed which was subsequently converted into First Information Report, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 27.06.2023, passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in ABP No. 2999 of 2023, is set aside.
8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Chiraiya Police Station Case No. 238 of



2023, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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