

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4432 of 2023**

Arising Out of PS. Case No.-62 Year-2023 Thana- LAUKARIA District- West Champaran

1. PAPPU KEVAT son of Lorik Kevat Village- Bodhsar Ps- Laukariya Dist- West Champaran
2. Rajesh Sahani son of Jagdish Sahani Village- Bodhsar Ps- laukariya Dist- West Champaran
3. Lorik Kevat son of Late Jagarnath Kevat Village- Bodhsar Ps- laukariya Dist- West Champaran
4. Sugandhi Devi wife of Rajesh Sahani Village- Bodhsar Ps- laukariya Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Chilari Devi Dhodai Sah resident of village- Bodhsar, P.S.- Laukaria, Distt- West Champaran

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Sanjeev Kumar , Advocate  
For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5      27-06-2024                      At the outset, learned counsel for the appellants seeks permission to withdraw the pre-arrest bail appeal of appellant Nos. 2 and 3 .

2. Permission is accorded.

3 The bail appeal of appellant Nos. 2 and 3 is dismissed as withdrawn .

4. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

5 . Heard learned counsel for appellant Nos 1 and 4



and the State .

6. This appeal has been filed for setting aside order dated 21.08.2023 , passed in a case registered for the offence punishable under sections 341, 323, 324, 354B, 307, 504 and 506 and other allied sections of the Indian Penal Code and sections 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

7. As per the prosecution case, on 27.06.2023 at about 7.00 PM, all the F.I.R., named accused persons including these appellants assaulted the daughter-in-law of the informant and when son of the informant came to rescue , all the accused also persons assaulted him with *lathi-danda* and iron rod as a result of which they sustained injury .

8 . It is submitted on behalf of the appellants that they are innocent and have falsely been implicated in this case on account of land dispute . As a matter of fact, informant's side used to put soil in front of the door of the appellants' side, blocking their way to the main road. When the appellants' side objected to do so then in retaliation informant and others have lodged this false and concocted case . Injuries caused by these appellants are simple in nature . There is no allegation of abuse



by caste name as such, no case under SC/ST Act is made out.  
Appellants claim clean antecedent.

9. Counsel for the parties oppose the prayer for bail.

10 . Considering the aforesaid facts, this appeal is allowed with respect to appellant Nos. 1 and 4 and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned 1<sup>st</sup> Additional District & Sessions Judge , Bettiah, West Champaran in connection with in connection with A.B. P No. 2312 of 2023 arising out of Police Station Case No. 62 of 2023 .

**(Prabhat Kumar Singh, J)**

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