

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4944 of 2023

Arising Out of PS. Case No.-79 Year-2019 Thana- COMPLAINT CASE District- Supaul

1. Rajendra Sah Son Of Sugan Sah Resident Of Village- Jahlipatti, Ps- Raghopur, Distt- Supaul
2. Jay Prakash Sharma Son Of Satyadeo Sharma Resident Of Village- Jahlipatti, Ps- Raghopur, Distt- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Fulwatiya Devi Wife Of Ramnath Paswan Resident Of Village- Jahlipatti, Ward No. 8, Ps- Raghopur, Distt- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-07-2024 Despite valid service of notice, nobody appears on behalf of the respondent No. 2.

2. Heard learned counsel for the parties.

3. This criminal appeal has been filed against the order dated 12.09.2023 passed by learned Additional Sessions Judge- 1st -cum-Special Judge (SC/ST), Supaul in connection with A.B.A. No. 1075/2023 arising out of Complaint Case No. 79C of 2019, registered under Sections 323, 420 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



4. As per the complaint case, the accused persons cheated the complainant by registering sale deed of a land which did not belong to them. When a Panchayat was convened to resolve the dispute, the accused persons disrobed and abused the complainant by caste name. They also assaulted the complainant and her family members.

5. It is submitted on behalf of appellants that the appellants are innocent and have falsely been implicated in this case due to village politics. It is next submitted that prior to the present case, the complainant has also lodged a Complaint Case No. 427 of 2015 on 22.08.2015 with the same facts and allegations against appellants and others which is pending in the court of learned Additional Chief Judicial Magistrate, Birpur in which the appellants are on bail and the present case has been lodged only to put pressure upon the appellants. Allegation of assault against the appellants is general and omnibus. It is not the case of the complainant that any member of public was present at the place of occurrence as such, no offence is made under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. Learned Special Public Prosecutor for the State



vehemently opposed the prayer for anticipatory bail of the appellants.

7. Considering the facts and circumstances of the case, impugned order dated 12.09.2023 passed by learned Additional Sessions Judge- 1st -cum-Special Judge (SC/ST), Supaul in connection with A.B.A. No. 1075/2023 arising out of Complaint Case No. 79C of 2019 is set aside.

8. Let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- 1st -cum-Special Judge (SC/ST), Supaul in connection with A.B.A. No. 1075/2023 arising out of Complaint Case No. 79C of 2019.

9. Accordingly, the impugned order dated 12.09.2023, is set aside and the criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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