

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5213 of 2023**

Arising Out of PS. Case No.-93 Year-2023 Thana- BALIGAON District- Vaishali

RAJU SAHANI @ RAJ NATH SAHNI SON OF LATE NIRDHAN SAHNI
R/O VILLAGE- BALIGAON, P.S- BALIGAON, DIST.- VAISHALI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RINA DEVI WIFE OF DINESH PASWAN R/O VILLAGE-
AKHITYARPUR DOGHARA, P.S.- BALIGAON, DIST.- VAISHALI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vasant Vikas, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor Mr. Rama Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-07-2024 Heard learned counsel for the parties.

2. This criminal appeal has been filed against the order dated 29.09.2023 passed by learned Exclusive Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge-III, Vaishali at Hajipur in connection with A.B.P. No. 2367 of 2023 arising out of Baligaon P.S. Case No. 93 of 2023, registered under Sections 341, 323, 324, 504, 506, 354(A), 354(B)/34 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 appellant has been rejected.

3. Prosecution case, in brief, is that on 03.07.2023 at



about 7:15 PM, this appellant called the informant for giving money at Bharatipur High School and when the informant reached there, then appellant and other accused persons came there and tried to outraged modesty of the informant and on protest, the accused persons assaulted her and abused her by caste name.

4. Learned counsel for the appellant submits that the appellant has committed no offence and he has falsely been implicated in this case due to political rivalry. Informant is maid of Bailgaon Mukhiya Santosh Sahni, against who the appellant has raised voice for irregularities and file complaint with DDC, S.P. and DM and in order to settle the score with the appellant Santosh Sahni has used the informant as a tool. Furthermore, it is not the case of the informant that the alleged occurrence has taken place within the public view and as such, no offence is made under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Appellant claims clean antecedent.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent No. 2 vehemently opposed the prayer for anticipatory bail of the appellant.

6. Considering the aforesaid facts and circumstances of the case, impugned order dated 29.09.2023 passed by learned



Exclusive Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge-III, Vaishali at Hajipur in connection with A.B.P. No. 2367 of 2023 arising out of Baligaon P.S. Case No. 93 of 2023 is set aside.

7. Let the appellant, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge-III, Vaishali at Hajipur in connection with A.B.P. No. 2367 of 2023 arising out of Baligaon P.S. Case No. 93 of 2023.

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

(Prabhat Kumar Singh, J)

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