

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.251 of 2024

Arising Out of PS. Case No.-1138 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Sukhen Sahani Son of Late Ramavtar Sahani R/o vill - Hardiya, P.S. -
Turkauliya Raghunathpur O.P., Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Guddu Kumar Son of Ramchandra Ram R/o vill - Hardiya, P.S. -
Raghunathpur O.P., Distt - East Champaran

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Abhishek Kumar, Advocate Mr. Hemant Ray, Advocate
For the State	:	Mr. Binay Krishna, APP
For Respondent No. 2	:	Mr. Bal Govind Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-11-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order
dated 18.12.2023 passed in a case registered for the offence
punishable under Sections 341, 323, 324, 308, 504 and 506 of
the Indian Penal Code and Section 3(i)(r) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of the appellant has
been rejected.

3. As per prosecution case, informant, namely Guddu



Kumar, alleged that this appellant, along with his associates, demanded a ransom of Rs. 10,00,000/- and upon refusal, all of them abused informant by caste name and assaulted him with deadly weapons.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, both parties are co-villagers and due to petty dispute, this false and concocted case has been lodged. Injuries, allegedly caused by this appellant, are simple in nature. The alleged offence was not committed on the ground that the informant belongs to SC/ST community and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, nature of injuries sustained by the injured and clean antecedents of the appellant, this appeal is allowed and the



impugned order dated 18.12.2023 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with A.B.P. No. 5765 of 2023 arising out of Turkauliya (Raghunathpur O.P.) P.S. Case No. 1138 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Turkauliya (Raghunathpur O.P.) P.S. Case No. 1138 of 2023.

(Prabhat Kumar Singh, J)

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