

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.639 of 2024**

Arising Out of PS. Case No.-67 Year-2023 Thana- SC/ST District- East Champaran

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- 1 . SITA DEVI WIFE OF SUNIL SAH @ R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
2. SIMA DEVI @ SIMA KUMARI WIFE OF VINOD SAH @ VINOD KUMAR R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
- 3 . BEBI DEVI @ MANJU DEVI WIFE OF SHYAMBABU SAH @ SHYAM KUMAR SAH R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
4. SARITA DEVI @ SARITA KUMARI WIFE OF AJAY SAH @ AJAY KUMAR R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
- 5 . PRATIMA DEVI WIFE OF ANIL SAH @ ANIL KUMAR R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
6. RANGLAL SAH SON OF LATE GUDARI SAH R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
7. SHYAMBABU SAH @ SHYAM KUMAR SAH SON OF RANGLAL SAH R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
- 8 . SUNIL SAH @ SUNIL KUMAR SON OF RANGLAL SAH R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
9. AJAY SAH @ AJAY KUMAR SON OF RANGLAL SAH R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
- 10 . ANIL SAH @ ANIL KUMAR SON OF RANGLAL SAH R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN
- 11 . VINOD SAH @ VINOD KUMAR SON OF RANGLAL SAH R/O-SISWA AJGARI, WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN



... .. APPELLANT/S

VERSUS

- 1 . THE STATE OF BIHAR
- 2. MEENA DEVI WIFE OF BHUPENDRA PASWAN R/O-SISWA AJGARI,  
WARD NO. 02, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN

... .. RESPONDENT/S

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**Appearance :**

For the Appellant/s : Mr. Abhishek Kumar , Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

For respondent No. 2 : Mr. Anil Kumar , Advocate

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

6      16-01-2025                      At the outset, learned counsel for the appellants  
  
seeks permission to withdraw the pre-arrest bail appeal of  
  
appellant Nos. 6 and 8 .

2. Permission is accorded.

3 . This bail appeal is dismissed as withdrawn with  
  
respect to appellant Nos. 6 and 8 .

4. Heard learned counsel for the appellant Nos. 1 , 2,  
  
3 , 4, 5 , 7, 9, 10 and 11 , respondent No. 2 and learned Special  
  
Public prosecutor for the State .



5 . This appeal has been filed for setting aside order dated 14.12.2022, passed in a case registered for the offence punishable under sections 341, 323, 354 (B), 379, 504 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/W(i)(g)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

6. As per the prosecution case , on 02.12.2023 at about 14.45 P M, when informant and her mother-in – law Ramrati Devi were doing work at their doorstep , in the meantime all the .I.R., named accused persons including these appellants armed with various weapons and in order to grab the land of informant abused the informant and other by caste name and assaulted them. It is further alleged that they also spate on the mouth of the informant and snatched Jitiya worth Rs. 15000/- from the neck of mother-in – law of informant.

7. It is submitted that these appellants are simply victims of false allegations . The present case is counter blast to Turkauliya P S Case No. 232 of 2023 lodged by co-accused Sunil Sah against the informant and others. There is inordinate delay of three days for which there is no plausible explanation . Admittedly , there is land dispute between the parties and for



that a proceeding under Section 107 Cr. P C was initiated in between the parties and C O of Banjariya has passed order in favour of these appellants on 15.09.2023 . F.I.R., does not disclose that any member of public was present at the time of incident, as such no case under SC / ST is made out against these appellants.

8 . Learned counsel for the respondent No. 2 opposed the bail appeal and submitted that there is specific allegation that these appellants abused the informant by caste name and also assaulted the informant and his family members. Appellants Nos. 7, 9, 10 and 11 have got 3 criminal antecedents of similar nature .

9. Considering the fact that Appellants Nos. 7, 9, 10 and 11 have got 3 criminal antecedents of similar nature , their prayer for pre – arrest bail appeal is dismissed.

10 . Considering the clean antecedent of the appellant Nos. 1 , 2, 3 , 4 and 5 and other circumstances of the case , this appeal is allowed only with respect to appellant Nos. 1 , 2, 3 , 4 and 5 and the impugned order is set aside. Let the appellant Nos. 1 , 2, 3 , 4 and 5 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 Special Judge SC/St (POA) Act, East Champaran Motihari in connection with ABP No. 6059 of 2023 arising out of Motihari SC / ST Police Station Case No. 67 of 2023 .

**(Prabhat Kumar Singh, J)**

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