

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1252 of 2024

Arising Out of PS. Case No.-411 Year-2023 Thana- CHHAURADANO District- East
Champaran

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1. Sanjay Sah Son Of Gambhira Sah Resident Of Village-Ward No. 8, Panchpokhairya, P.S.-Manhuawa, Dist.-East Champaran.
 2. Ajay Sah Son Of Gambhira Sah Resident Of Village-Ward No. 8, Panchpokhairya, P.S.-Manhuawa, Dist.-East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhagmati devi Nathuni Baitha R/o-Panchpokhariya, P.S.-Mahuara, District-East champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subodh Kumar Mishra
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-09-2025 1. Heard the learned counsel for the appellants and
the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 21.02.2024 passed by the learned Special Judge SC/ST Act, East Champaran, Motihari in connection with ABP No.315 of 2024 arising out of Chhauradano (Mahuawa) P. S. Case No.411 of 2023, instituted for the offences under Sections 341, 323, 337, 354(B), 379, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w),3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.



3. The learned counsel for the appellants submits that despite notice being validly served on respondent no.2, the respondent no.2 chooses not to appear and contest. It is next submitted that appellant no.1 has antecedent of one case and appellant no.2 is a person with clean antecedent and the informant alleges that on 30.11.2023 at 12.00 Noon, the accused persons including the appellants came armed with lathi, danda and stones and abused her by taking caste name and even assaulted her and when her grandson Ajay came to rescue her, all the accused assaulted him. Further, Sanjay assaulted Shivsagar by lathi causing injury on head and thereafter, the accused persons took away Rs.20,000/- from her grandson and also snatched the gold chain from the neck of Shivsagar Baitha.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is also submitted that informant herself alleges that the accused persons were constructing house on her land and when she objected, the occurrence is alleged to have taken place. The learned counsel appearing on behalf of the



appellants submits that the land belongs to the appellants and the informant and her side were trying to grab the property. It is also submitted that an altercation took place, but then, no one was assaulted or abused. It is next submitted that though informant alleges that appellants assaulted and abused her, but then, the allegation of assault and abuse is general and omnibus in nature, nor the FIR even remotely suggest that the occurrence was witnessed by any independent witnesses, as such, the occurrence was not committed in public view. It is next submitted that though it is alleged that appellant no.1 assaulted Sanjay, the son of the informant by lathi on head, but then, there is no injury report on record.

5. Regard being had to the aforesaid submissions, the order dated 21.02.2024 is set-aside.

6. The appeal stands allowed.

7. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned learned Special Judge SC/ST Act, East Champaran, Motihari in connection with ABP



No.315 of 2024 arising out of Chhauradano (Mahuawa) P. S.
Case No.411 of 2023, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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