

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2993 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- PIPRAKOTHI District- East Champaran

DURGESH DEVI @ DUGESH DEVI Wife of Chhotelal Sahani Resident of
village - Jhakhra Uparati Tola, P.S. - Piprakothi, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangeeta Devi Wife of Aklu Paswan Resident of village - Jhakhra Partiya
Tola, P.S. - Piprakothi, Dist.- East Champaran

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2857 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Chhotelal Sahani Son of Late Binda Sahani Resident of village - Jhakhra,
Uprathi Tola, P.S.- Piprakothi, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangeeta Devi Wife of Sri Aklu Paswan Resident of village - Jhakhra,
Paratiya Tola, P.S.- Piprakothi, District - East Champaran

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2993 of 2023)

For the Appellant/s	:	Mr.Sharad Kumar Verma, Advocate
	:	Mr.Rajeev Ranjan, Advocate
For the State	:	Mr.Ram Sevak Choudhary, Spl.P.P.
For the informant	:	Mr. Sanjay Kumar Tiwary, Advocate

(In CRIMINAL APPEAL (SJ) No. 2857 of 2024)

For the Appellant/s	:	Mr.Sharad Kumar Verma, Advocate
	:	Mr. Rajdeep Kumar, Advocate
For the Informant	:	Mr.Sanjay Kumar Tiwary, Advocate
For the State	:	Ms.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-04-2025 Heard Mr.Sharad Kumar Verma, learned counsel

for the appellant, Mr. Sanjay Kumar Tiwary, learned counsel



for respondent No.2, Mr.Ram Sevak Choudhary, learned Spl.P.P. for the State (In Criminal Appeal (SJ) No. 2993 of 2023), Mr. Rajdeep Kumar, learned counsel for the appellant, Mr. Sanjay Kumar Tiwary, learned counsel for respondent No.2 and Ms.Usha Kumari-1, learned Spl.P.P. for the State (In Criminal Appeal (SJ) No. 2857 of 2024).

2. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 12.05.2023 in A.B.P. No.1842 of 2023 and order dated 29.04.2024 in A.B.P.No.1751 of 2024 passed by the learned Special Judge SC/ST Act, East Champaran at Motihari in connection with Piprakothi P.S.Case No. 49 of 2023, dated 05.03.2023 registered under Sections 341, 323, 324, 354(B), 379, 447, 326, 307, 504, 506/34 of the Indian Penal Code as well as under Sections 3(i)(x)(xi), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. Stated in brief, the prosecution case as per the written application of the informant Sangeeta Devi is that on 27.01.2023 at 04:30 O'clock in the evening she was sitting at her door in the meantime her co-villager Chhotelal Sahni came there and told her to take her dues money of Rs.



20,000/- by coming at his house. The informant went to the house of Chhotelal Sahani at 06:00 O'clock in the evening to take her dues money and she sat there and at 08:00 O'clock in the night she told Chhotelal Sahani to give her money on which Chhotelal Sahani addressed her by her caste name and with bad intention put her down by catching hold her hand and tore her clothes due to which she became half naked. It is further alleged that Chhotelal Sahani abused her and assaulted her with knife due to which she sustained injury on her nose. Further allegation is that Binda Sahani and appellant Dugesh Devi abused the informant and assaulted her with feet and slaps. Chhotelal Sahani took out the informant's Mangal Sutra etc.

4. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellants have not committed any offence as alleged in the FIR. It appears from the FIR itself that the date of occurrence as alleged in the FIR is 27.01.2023 but the present FIR has been instituted on 05.03.2023 after delay of about 39 days without giving any explanation of delay which suggests that the informant



afterthought has filed the present false case against the appellants only to falsely implicate the appellants in the present case and from a bare perusal of the FIR it appears that the place of occurrence is the house of the appellants and the appellants have used the abused language against the informant not in public view so no case is made out under the SC/ST Act against the appellants and apart from that, the present FIR has been instituted after delay of about 39 days and no injury was found on the person of the injured which suggests that the informant has received any injury.

5. The learned counsel for respondent No.2 as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellants.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and appellants have clean antecedent, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of



Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran at Motihari in connection Piprakothi P.S.Case No. 49 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 and with other following conditions:-

(I) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order dated 12.05.2023 passed in A.B.P. No.1842 of 2023 and order dated 29.04.2024 passed in A.B.P.No.1751 of 2024 are set aside and both the appeals stand allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

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