

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3213 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- CHENARI District- Rohtas

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1. Chhotan Sah son of Mahadeo Sah Village- Ramgarh Ps- Chanari Dist- Rohtas
 2. Gyanti Devi wife of Chhota Sah Village- Ramgarh Ps- Chanari Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Shiv Bachan Ram @ Ghumau Ram son of Ramgahan Ram Village Po- Sadokhar Ps- Chenari Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhaneshwar Prasad Gupta
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 27-02-2025 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 07.06.2024, passed by learned Additional District and Sessions Judge XVII -cum- Special Court SC/ST Act, Sasaram, Rohtas, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Chenari Police Station Case No. 11 of 2024 registered for the offence punishable under Sections 341/323/324/325/379/504/506/34 of the Indian Penal



Code and Section 3 (1)(r)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 13.01.2024, informant went to the house of one Rita Devi in order to return her money, which he had taken on interest. The appellants, along with other accused persons, armed with lathi, danda, iron rod, etc. attacked the informant due to which he fell down and both hands of the informant got fractured. It has further been alleged that the other accused persons snatched Rs. 5,000/- and mobile phone of the informant.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case due to money dispute and village politics. He next submits that the present FIR has been lodged after delay of four days from the date of occurrence in abuse of the criminal law. He further submits that the victim has sustained no injury and the caste name was not taken in full public view.
5. On the other hand, learned counsel for the informant submits that as per the FIR, both hands of informant got



fractured.

6. In reply, learned counsel for the appellants submits that Section 323/324/325 read Section 3(1)(r)(s) has been alleged against the appellants and there is no allegation that the caste name was taken in full public view.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that apparent injury has not been brought on record by the prosecution and the caste name was not taken in full public view, I am inclined to grant the appellants privilege of anticipatory bail.
8. This appeal is, accordingly, allowed and the order, dated 07.06.2024, passed by learned Additional District and Sessions Judge XVII -cum- Special Court SC/ST Act, Sasaram, Rohtas, is set aside.
9. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 learned Additional District and Sessions Judge XVII -cum- Special Court SC/ST Act, Sasaram, Rohtas, in connection with Chenari



Police Station Case No. 11 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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