

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4899 of 2024

Arising Out of PS. Case No.-244 Year-2014 Thana- SUGAULI District- East Champaran

1. Vikash Kumar @ Vikash Sah @ Vikash Prasad S/O Kumar Sah @ Karu Sah R/O Village- Sugauli Bazar, P.S- Sugauli, Distt.- East Champaran.
2. Manju Devi W/O Vikash Sah @ Vikash Kumar @ Vikash Prasad R/O Village- Sugauli Bazar, P.S- Sugauli, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Tara Devi W/O Shiv Dayal Ram R/O Village- Sugauli Nauwadih, P.S- Sugauli, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Tiwari, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-11-2025 Heard the parties.

2. This criminal Appeal has been preferred against the order dated 10.09.2024, passed in A.B.P. No. 3822 of 2024, arising out of Sugauli Police Station Case No. 244 of 2014 dated Trial No. 278 of 2021, registered for the offences punishable Under Sections 447, 341, 323, 384, 504, 354/34 of the Indian Penal Code read with section 3 (i) (x) (x1) of the SC/ST Act and section 3/4 of the Dain Act and section 27 of the Arms Act, whereby and whereunder the anticipatory bail application made on behalf of the appellants have been rejected as not maintainable.



3. As per the prosecution story, the informant alleged that for a piece of land which the accused wanted to usurp, went to the informant's house with document informing that Indira Awas amount has come, took the thumb impression and later taking caste name assaulted. This led to the FIR.

4. Learned counsel for the appellants submit that from the FIR it is not clear whether the occurrences were made before the public, it is purely land dispute and later good sense prevailed upon and they have settled the matter.

5. Learned counsel representing the respondent no.2 opposed the submission and submits that subsequently, they have shaken hands.

6. Considering the submissions of the parties as also that prima facie, the case under the Act is not made out, they have come to an amicable settlement, the FIR is there, they shall be facing the music, in that background, this Court is inclined to extend them the privilege of bail.

7. Accordingly, the order dated 10.09.2024 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Sugauli Police Station Case No. 244 of 2014/ Tr. No. 278 of 2021 is set aside.

8. The criminal appeal is allowed.



9. Let the appellants be released on bail, in the event of their arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Sugauli Police Station Case No. 244 of 2014/ Tr. No. 278 of 2021 to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;

(ii) the appellants shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the appellants shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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