

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4825 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. MOTILAL SAHANI SON OF LATE RAM AYODHYA SAHANI
RESIDENT OF VILLAGE - RAMPUR, MAHUAWA, P.S. - PIPRAKOTHI,
DISTRICT - EAST CHAMPARAN
2. PRAMUKH SAHANI @ PRAMUKH CHAUDHARY SON OF
PANNALAL SAHANI RESIDENT OF VILLAGE - RAMPUR,
MAHUAWA, P.S. - PIPRAKOTHI, DISTRICT - EAST CHAMPARAN
3. SAHEB SAHANI SON OF PANNALAL SAHANI RESIDENT OF
VILLAGE - RAMPUR, MAHUAWA, P.S. - PIPRAKOTHI, DISTRICT -
EAST CHAMPARAN
4. HAKIM SAHANI @ HAKIM KUMAR SON OF PANNALAL SAHANI
RESIDENT OF VILLAGE - RAMPUR, MAHUAWA, P.S. - PIPRAKOTHI,
DISTRICT - EAST CHAMPARAN
5. ANANDI DEVI WIFE OF PANNALAL SAHANI RESIDENT OF
VILLAGE - RAMPUR, MAHUAWA, P.S. - PIPRAKOTHI, DISTRICT -
EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. MALTI DEVI WIFE OF SRI SHANKAR BAITHA RESIDENT OF
VILLAGE - RAMPUR, MAHUAWA, P.S. - PIPRAKOTHI, DISTRICT -
EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.PP
For the Respondent No.2:	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-04-2025 Heard Mr. Abhishek Kumar, learned counsel for the

appellants, Mr. Ajay Kumar Singh, learned counsel for the

Respondent no.2 as well as Mrs. Usha Kumari 1, learned

Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated



03.08.2023 passed by the learned Special Judge, SC/ST (PoA) Act, East Champaran at Motihari in connection Piprakothi P.S. Case No. 124 of 2023, dated 01.06.2023 registered under Sections 147, 149, 341, 323, 354, 379, 308, 504, 506 of the Indian Penal Code and Sections 3(x)(xi) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. According to the prosecution case, the informant alleged that when she was constructing her house, co-accused namely, Pannalal Sahani, stopped her from doing the same. In panchayati, appellants along with other accused persons assaulted and abused her by caste name.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that although the appellants are named in the F.I.R. but from perusal of the F.I.R. it appears that specific allegation is against co-accused namely Panna Lal Sahani and there is no specific allegation of assault or overt act rather there is general and omnibus allegation against all the appellants and it transpires from the FIR that the co-accused Panna Lal Sahani abused the informant using abusive language.

6. Learned Special Public Prosecutor for the State and



learned counsel for Respondent no.2 vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the FIR and apart from that it appears from the impugned order itself that no one has received injury because the learned court below has not discussed any injury with respect to informant or any other persons.

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

8. Considering the aforesaid facts, there is no specific allegation against the appellants rather there is specific allegation of using abusive language against co-accused Panna Lal Sahani and appellants have clean antecedent, let the appellants, above named, in the event of their arrest to 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (PoA) Act, East Champaran at Motihari in connection Piprakothi P.S. Case No. 124 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik



Suraksha Sanhita, 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 bonds 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 antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedents, the Court below shall take step for cancellation of bail bonds 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.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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