

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5133 of 2024

Arising Out of PS. Case No.-179 Year-2024 Thana- MAHNAR District- Vaishali

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Laxman Sahani @ Lakshaman Sahni S/O Kailash Sahni R/O Village -
Mahmadpur, Parmanandpur, P.S- Mahnar, District - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Shila Devi W/O Budhan Paswan R/O - Mahmadpur, P.S- Mahnar, District -
Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari I, Spl. P.P.
	:	Mr. Ranjeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-12-2025 Heard learned counsel for the appellant, learned Spl.

P.P. for the State and learned counsel appearing on behalf of the

informant.

2. This is an appeal under Section 14-A(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST

Act”) against the refusal of prayer for anticipatory bail vide

order dated 28.08.2024 in A.B.P. No. 2175 of 2024 passed by

the learned Exclusive Special Judge SC/ST Act-cum-Additional

District and Sessions Judge, Vaishali at Hajpur in connection

with Mahnar P.S. Case No. 179 of 2024 registered for the

offences punishable under Sections 323, 341, 354, 379, 308,



448, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that on 09.06.2024 at 08:30 PM, 15 named accused persons along with 20-25 unknown accused came and started abusing by taking caste name and Diwakar, Laxman and Nitesh came inside their house and Laxman dashed her on the ground while Diwakar and Nitesh assaulted by *fatta* causing injury on head, thereafter, Lalmuni Devi snatched her chain when she became unconscious, while Rajkamal and Shravan took away a box and accused assaulted her sister-in-law and daughter-in-law also.

4. Learned counsel for the appellant submits that the appellant has 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 no motive for the occurrence is alleged. It is further submitted that even presuming what has been alleged is true without admitting then the occurrence did not take place in public view as such the rigors of SC/ST is not attracted and the accused who are alleged to have assaulted have also been granted the privilege of regular



bail.

5. Learned Spl. P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the appeal.

6. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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