

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5332 of 2023

Arising Out of PS. Case No.-148 Year-2016 Thana- BITHAN District- Samastipur

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1. Shanti Kumari @ Shanti Kumari Vyas Wife of Prakash Kumar Sahni R/o vill - Pusaho, P.S. - Bithan, Distt. - Samastipur
 2. Pooja Kumari D/o Prakash Kumare Sahni R/o vill - Pusaho, P.S. - Bithan, Distt. - Samastipur
 3. Bittu Kumar Son of Prakash Kumar Sahni R/o vill - Pusaho, P.S. - Bithan, Distt. - Samastipur
 4. Chhoti Kumari D/o Prakash Kumar Sahni R/o vill - Pusaho, P.S. - Bithan, Distt. - Samastipur
 5. Prakash Kumar @ Prakash Kumar Sahni Son of Late Gyanchandra Sahni R/o vill - Pusaho, P.S. - Bithan, Distt. - Samastipur
 6. Rajeev Kumar Son of Late Mahendra Narayan Mukhiya R/o vill - Pusaho, P.S. - Bithan, Distt. - Samastipur
 7. Anamika Devi @ Kumari Anamika Wife of Rajeev Kumar R/o vill - Pusaho, P.S. - Bithan, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanka Kumari Wife of Sanjeev Kumar R/o vill - Pusaho, P.S. - Bithan, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Ranjan, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 02-12-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant / respondent no. 2.

2. This appeal is preferred against the order dated



30.09.2023 passed by the learned Special Judge, S.C./S.T. (POA) Act, Samastipur in A.BP. No. 3320 of 2023 in connection with Bithan P.S. Case No. 148 of 2016 registered for the offence under sections 341, 323, 498(A), 504, 506/34 of the Indian Penal Code and sections 3(1)(r)(s), 3(ii)(v) (a) of the S.C./S.T. Act, by which the prayer of the appellants for grant of anticipatory bail has been rejected.

3. The allegation against the appellants is of abusing the informant by taking her caste name and have also tortured and assaulted her. After investigation, final form was submitted, however, the learned trial Court had differed and took cognizance against the appellants.

4. It submitted by the learned counsel for the appellants that there is a property dispute between the parties for which appellant no. 6 had preferred a partition suit no. 263 of 2013 pending before Sub-Judge-Ist, Samastipur, wherein the husband of the informant was impleaded as a party.

5. The case was filed by the informant against the brother of her husband, who is one of the appellants, the another appellant is the step-sister of the husband of the informant and the rest of the appellants are the family members.

6. Learned Special Public Prosecutor for the State and



learned counsel for the informant opposed the prayer of the appellants for grant of bail.

7. For a pending partition suit, the present case has been filed which has been found false by the police and the appellants were exonerated. The Special Judge has differed with the final form and has taken cognizance.

8. From the order taking cognizance, it appears that it is a cryptic and non-speaking order and the materials have not been discussed by the Special Judge.

9. Having considered the submissions of learned counsel for the appellants and also the fact that there is a pending partition suit, this Court is inclined to grant anticipatory bail to the appellants.

10. Accordingly, this appeal is allowed and the impugned order dated 30.09.2023 is hereby set aside.

11. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, S.C./S.T. (POA) Act, Samastipur/ concerned Court, in connection with Bithan P.S. Case No. 148 of 2016, subject to the conditions laid down under Section



438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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