

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.129 of 2025

Arising Out of PS. Case No.-199 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Shiv Shankar Prasad @ Shiv Shankar Pal Son of Parmeshwar Prasad Resident of Village- Barharwa, P.S.- Turkauliya, Distt.- East Champaran
 2. Girja Devi Wife of Shiv Shankar Prasad @ Shiv Shankar Pal Resident of Village- Barharwa, P.S.- Turkauliya, Distt.- East Champaran
 3. Chandan Pal Son of Shiv Shankar Prasad @ Shiav Shankar Pal Resident of Village- Barharwa, P.S.- Turkauliya, Distt.- East Champaran
 4. Nilu Devi Wife of Chandan Pal Resident of Village- Barharwa, P.S.- Turkauliya, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulekha Devi Wife of Ashok Ram Resident of Village- Barharwa, P.S.- Turkauliya, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manjeet Kumar Mishra
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 25-08-2025 **1.** Heard learned counsel for the appellants and learned Spl. P.P. for the State, Ms. Usha Kumar No. 1.
- 2.** Learned counsel for the appellants submits that from perusal of the office notes dated 13-5-2025, it would manifest that the same records that notice on behalf of Respondent No. 2 has been received by her husband.
- 3.** Since the notice has been received by the husband of the Respondent No. 2, hence the same is deemed to have been validly served.



4. Learned counsel for the appellants, after some arguments, seeks permission to withdraw the appeal with respect to appellant No. 1, Shiv Shankar Prasad @ Shiv Shankar Pal.

5. Permission is accorded.

6. Accordingly, the appeal is dismissed as withdrawn with respect to appellant No. 1, Shiv Shankar Prasad @ Shiv Shankar Pal.

7. 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 19-6-2024 in A.B.P. No. 2296 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 199 of 2024 registered for the offences punishable under Sections 341, 323, 308, 504, 420, 467, 379, 354B of the Indian Penal Code as well as Sections 3(i)(r), 3(i)(s), 3(2)(va) of the SC/ST Act.

8. Learned counsel for the appellants submits that the appellant Nos. 2, 3 and 4 are persons with clean antecedent and appellant Nos. 2 and 4 are women and are wife and daughter in law of Shiv Shankar Pal. It is next submitted that from perusal



of the allegation as alleged in the FIR, it would manifest that informant alleges that she purchased a piece of land from Shiv Shankar Pal by a registered sale deed, but when she went on the land, she was asked by the family members of the Shiv Shankar Pal not to come on the land on the ground that she had already re-conveyed the land which she had purchased from Shiv Shankar Pal in favour of Shiv Shankar Pal, accordingly she went to Registry and where she came to know that Shiv Shankar Pal by resorting to forgery got the land, which she had purchased, re-conveyed in his name by impersonating the informant, further the accused persons came to her house and abused her and Shiv Shankar Pal assaulted her husband causing fracture of ribs.

9. Learned counsel for the appellants submits that the appellants, being family members of Shiv Shankar Pal, have been falsely implicated in the present case by the informant in order to coerce Shiv Shankar Pal into submission. It is also submitted that there is no specific allegation of assault against the accused persons and the entire occurrence even presuming to be true took place in the house of the informant, as such was not in public view.

10. Learned Spl. P.P. for the State opposes the prayer



for anticipatory bail of the appellants.

11. Considering the aforesaid facts, let the appellant Nos. 2, 3 and 4 above-named, in the event of their 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. 10,000/- (Rupees Ten Thousand) each 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 438 (2) of the Cr.P.C.

12. Accordingly, the impugned order dated 19-6-2024 is set aside and the appeal stands allowed with respect to appellant Nos. 2, 3 and 4.

(Satyavrat Verma, J)

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