

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.919 of 2022

Arising Out of PS. Case No.-55 Year-2020 Thana- BALIGAON District- Vaishali

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1. GUDDU SAHNI @ AMARNATH SAHNI S/O LAKSHAN SAHNI @ RAM LAKSHAN SAHNI R/o village- Agrail Khurd, P.O.- Champapur, P.S.- Baligaon, District- Vaishali
 2. ARBIND SAHNI @ ARBIND KUMAR S/O LAKSHAN SAHNI @ RAM LAKSHAN SAHNI R/o village- Agrail Khurd, P.O.- Champapur, P.S.- Baligaon, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJESH RAJAK S/o Late Nanki Rajak R/o village- Agrail Khurd, P.O.- Champapur, P.S.- Baligaon, District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Paswan, Advocate
For the Respondent/s : Mr. Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 29-06-2026 1. Heard learned counsel for the appellants and learned Special P.P. for the State, Mr. Binay Krishna.

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 20.01.2022 in A.B.P. No. 3507 of 2021 passed by the learned Special Judge S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 55 of 2020 registered for the offences punishable under Sections 323, 341, 504, 506 and 34 of the Indian Penal Code as well as Section 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that a



jointness application has been filed stating that niece of the informant is staying in jointness with the informant, as such, the notice is received by the niece (Kajal Kumari), is deemed to be validly served. It is next submitted that the informant despite receiving notice validly chooses not to appear and contest.

4. It is next submitted that appellants are persons with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to passage, it is alleged that accused persons including the appellants came in the evening at 06:30 PM in a drunken condition and abused him by taking caste name and Guddu assaulted him causing injury on nose.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that on account of dispute relating to passage, an altercation had taken place in which both sides assaulted each other. It is also submitted that though it is alleged that accused persons came in a drunken state, but then the FIR has not been instituted under the Excise Act. It is further submitted that since the occurrence is alleged to have taken place at the house of the informant hence was not in public view, as such, rigors of Section 18 of the SC/ST Act shall not



apply, it is next submitted that this perhaps explains why informant despite receiving notice chooses not to appear and contest.

6. Learned Special P.P. for the State opposes the appeal.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 20.01.2022 in A.B.P. No. 3507 of 2021, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Baligaon P.S. Case No. 55 of 2020 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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