

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2148 of 2025

Arising Out of PS. Case No.-453 Year-2024 Thana- SUGAULI District- East Champaran

1. Akhilesh Kumar Sahani S/o Bhikhari Sahani R/o Village -Baksha Tola Hata, PS-Sugauli, District East-Champaran
2. Mahavir Sahani S/o Bhikhari Sahani R/o Village -Baksha Tola Hata, PS-Sugauli, District East-Champaran
3. Amarnath Sahani S/o Surendranagar Sahani R/o Village-Ledihear, P.S.-Sugauli, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Dasrath Sah S/o Gyani Sah R/o Village-Ledihear, P.S- Sugauli, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Ranjan, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

6 18-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State. Although the notice has been validly served upon respondent No.2, there is no representation on his behalf.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 22.04.2025 passed by learned Special Judge, SC/ST Act, East Champaran, East Champaran, in A.B.P. No. 1505 of 2025 in connection with Sugauli P.S. Case No. 453 of 2024, registered



under Sections 126(2), 115(2), 118(1), 352, 351(2) the B.N.S. read with Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 29.09.2024 at about 10:00 A.M., the informant, Dashrath Sah (Gond), was going to Suguli and when he reached near Sahani Tent House at that moment the appellants along with 10-12 unknown miscreants intercepted him and hurled caste-based slurs at him and assaulted him by means of lathi and daab on his head but somehow the informant saved himself and in this scuffle, the informant got injury in his hand. On *hulla*, nearby people came and took the informant to Prima Health Centre, Sugauli and from there he was referred to Sadar Hospital, Motihari for further treatment. It is further alleged that the reason for conflict was that on 16.05.2023, six persons assaulted the informant over extortion of money. Consequently, the informant lodged the FIR bearing Sugauli P.S. Case No. 189 of 2023 against them and Akhilesh Kumar Sahani (appellant no. 1) was also present at the place of occurrence and all the accused persons threatened the informant to kill him and his family if he would not compromise the case.



4. Learned counsel appearing for the appellants submits that the appellants are innocent and have falsely been implicated in this case. It has further been submitted that there is a delay of eighteen days in filing the present F.I.R., without giving any plausible explanation for the same. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the appellant and nothing specific has been alleged against them. It is also submitted that though several injuries were received by the informant but on perusal of the injury report which is mentioned in the case diary it appears that all the injuries are on non-vital part of the body. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the entire facts and circumstances of



the case and the fact that there is a delay of eighteen days in filing the present FIR and injuries which are received by the informant are on non-vital part of the body and the allegation does not seem to have been committed within public view, let the above named appellants in the event of their arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, East Champaran, in connection with Sugauli P.S. Case No. 453 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 22.04.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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