IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3773 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- SUGAULI District- East Champaran

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1. Rajababu Sah S/o Basdeo Sah R/o village Dharampur, P.S.- Sugauli , District- East Champaran
2. Kundan Sah S/o Basdeo Sah R/o village Dharampur, P.S.- Sugauli , District- East Champaran
3. Girdhari Sah S/o Basdeo Sah R/o village Dharampur, P.S.- Sugauli , District- East Champaran
4. Bhim Sah @ Dharm Raj Sah S/o Basdeo Sah R/o village Dharampur, P.S.- Sugauli , District- East Champaran
5. Basdeo Sah S/o Late Raghuvir Sah R/o village Dharampur, P.S.- Sugauli , District- East Champaran
6. Triloki Sah S/o Late Bhukhal Sah R/o village Dharampur, P.S.- Sugauli , District- East Champaran
7. Fulmati Devi D/o Basdeo Sah, w/o Sonalal Sah R/o village Dharampur, P.S.- Sugauli , District- East Champaran

... ... Appellant/s

Versus

1. The State of Bihar
2. Ramanand Ram S/o Late Jokhan Ram R/o village Dharampur, P.S.- Sugauli , District- East Champaran

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Ajay Kumar Singh, Adv
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 06-01-2026 Heard learned counsel for the appellants, Ms. Usha Kumari-1 learned Spl. PP. for the State and learned counsel for the informant.

2. At the very outset, learned counsel for the

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appellants submits that inadvertently in paragraph no. 3 of the bail petition Sugauli P.S. case no. 192 of 2024 has been pleaded in place of Sugauli PS case no. 194 of 2024, hence, seeks permission to rectify the same.

3. Permission is accorded.

4. 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 28.06.2024 in A.B.P. No. 2250 of 2024 passed by the learned Special Judge S.C./S.T, Act, East Champaran, in connection with Sugauli P.S. case no. 192 of 2024 registered for the offences punishable under Sections 447, 341, 323, 324, 504, 506 and 34 of the I.P.C. and Sections 3(i)(r)(s) of the SC/ST (PoA) Act.

5. Learned counsel for the appellants submits that the appellants have antecedent of one case but then said case was also instituted from the side of the informant. It is further alleges that on 27.04.24 at 7:00 A.M., while he was keeping fodder in his cowshed when the accused persons including the appellants came to his house and started abusing by taking caste name and on instigation of Basudeo Sah (appellant no. 5) and accused,

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Arjun assaulted the informant by sword causing injury on his head and when Rajesh (son of informant) came to rescue him, accused Girdhari (appellant no. 3) assaulted him by dabiya causing injury, thereafter, Kundan (appellant no. 2) assaulted Rajesh by farsa while Bhim (appellant no. 4) assaulted Suresh by khariya causing injury and co-accused Chunmun assaulted Suresh with lathi and Triloki (appellant no. 6) assaulted Suresh with bhala causing injury on his hand.

6. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that appellant no. 2 married to Raushni Devi (daughter of Shivshankar Ram), who is the agnate of the informant which has led to a dispute and accordingly earlier also the side of the appellants were implicated in a false case. It is further submitted that though in the FIR it is alleged that the accused persons came and assaulted the side of the informant by sword, dabiya, bhala and lathi causing injury to the injured but then all the injuries have been opined to be simple in nature caused by hard and blunt substance. It is thus submitted that allegation of assault by sharp edged weapons is belied by the injury report. It is also submitted that the entire occurrence took place at the house of the

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informant as such was not in public place, hence, *prima facie* no case under the SC/ST act is made out.

7. Learned Spl. P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the appellants but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the appellant no. 2 married to the daughter of Shivshankar Ram and the injury suffered by the injured has been opined to be simple in nature caused by hard and blunt substance and the occurrence took place at the house of the informant.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 28.06.2024 in A.B.P. No. 2250 of 2024 passed by the learned Special Judge S.C./S.T, East Champaran, in connection with Sugauli P.S. case no. 192 of 2024 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Sugauli P.S. case no. 192 of 2024 subject to the conditions as laid down under

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Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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