

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4934 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- SC/ST District- Munger

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1. Umesh Sahni S/o Bideshi Sahni Resident Of Village- Bariyarpur, Ps- Bariyapur, Distt.- Munger
 2. Hitlar Kumar S/o Ranjit Sahni R/o vill - Chandan Nagar, P.S. - Khagaria, Distt.- Khagaria, Presently residing at Vill - Bariyarpur, P.S. - Bariyarpur, Distt.- Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Ashok Paswan R/o vill - Bariyarpur, P.S. - Bariyarpur, Distt.- Munger

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Shivjee Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-04-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 01.10.2024 passed in a case registered for the offence punishable under Sections 191(2), 190, 115(2), 118(1), 126(2), 74, 303(2), 308(3), 351(2) and 352 of the B.N.S. and Sections 3(1)(i), 3(1)(w), 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. The prosecution case, in brief, is that on 28.07.2024 at about 8 PM, when informant was returning from Bariyarpur, in the meantime, all the F.I.R. named accused persons, including these appellants, carrying arms, came to the informant, demanded ransom of Rs. 2,00,000/- and also abused her with caste based slurs. It is further alleged that upon protest, all the F.I.R. named accused persons, including these appellants, assaulted informant and her son and also snatched gold ring and cash from her. It is specifically alleged that Appellant No. 1, namely Umesh Sahni, assaulted on the cheek of son of informant with butt of pistol and Appellant No. 2, namely Hitler Sahni, assaulted informant with *danda*.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. On account of long standing land dispute between the parties, a simple *maar-peet* took place in which both sides sustained injuries. There is case and counter-case. Doctor has found the injuries, allegedly caused by these appellants, simple in nature. Rest of the allegations are



ornamental in order to make the case grave. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the facts and circumstances of the case, nature of injuries allegedly caused by these appellants, case and counter-case and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 01.10.2024 passed by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-I, Munger in connection with A.B.P. No. 1409 of 2024 arising out of Munger SC/ST P.S. Case No. 31 of 2024 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions



Judge-I, Munger in connection with Munger SC/ST P.S. Case
No. 31 of 2024.

(Prabhat Kumar Singh, J)

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