

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2693 of 2022**

Arising Out of PS. Case No.-9 Year-2022 Thana- SC/ST District- Saharsa

Nilendu Kumar Jha @ Boa Lal, Son Of Dhirendra Jha Resident Of Village -
Patuaha, P.S.- Saharsa, District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Kumar Sharma, Son of Late Siyaram Sharma Resident of Village -
Patuaha, Ward No.- 3, P.S.- Saharsa, District - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha
For the Respondent/s : Ms. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 14-12-2022 Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 14.07.2022 passed by the learned Additional District & Sessions Judge 3rd cum Special Judge (SC/ST), Saharsa in connection with Saharsa SC/ST P. S. Case No. 09 of 2022, instituted for the offences under Sections 341, 343, 447, 427, 379, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r)(s)(e) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that



the appellant has antecedent of three cases and the informant alleges that while he was guarding the field of Sujit Mishra when the accused persons including the appellant along with five unknown accused came and abused him by taking caste name and assaulted by fists and the appellant took Rs. One thousand at the point of gun.

The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is next submitted that even allegation of abuse and assault is general and omnibus in nature. It is further submitted that even the alleged occurrence is not said to have taken place in public view and as far as allegation against this appellant of taking Rs.1,000/- at the point of gun is alleged, the same is ornamental.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 14.07.2022 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his



furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 3rd cum Special Judge (SC/ST), Saharsa in connection with Saharsa SC/ST P. S. Case No. 09 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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