

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.518 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- TARAIYA District- Saran

SAMBHU SAH Son of Late Parash Sah R/V- Taraiya Machhli Bazar, P.S-
Taraiya Dist- Saran At chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Hiralal Kumar Ram son of Budhu Ram R/V- Harakhpur Bagahi, P.S- Taraiya
Dist- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nawal Kishore Singh, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-07-
2023

Despite valid service notice, nobody appears for the
respondent no. 2.

Heard learned counsel for the appellants and the State.

The present appeal is directed against the order dated
20.12.2022, passed in a case registered for the offence
punishable under Sections 341, 323, 504, 506/34 of the Indian
Penal Code read with Sections 3 (i) (r) (s) of the SC/ST Act,
whereby anticipatory bail of the appellants has been rejected.

On the alleged date and time of occurrence, it is
alleged that all the FIR named accused persons including this
appellant abused the informant by caste name and assaulted him
with fists and slaps. It is further alleged that co-accused Ramu



Sah assaulted the informant due to which informant sustained injury in his left hand, thereafter, he took away the bicycle from the house of the informant.

It is submitted on behalf of the appellant that specific allegation of over-act is against co-accused Ramu Sah. So far as this appellant is concerned, there is no specific allegation of abuse by caste name or assault with fists and slaps leveled against him. From bare perusal of the FIR, it is apparent that incident took place inside the house of the informant and within public view, as such, no case under the SC/ST Act is made out against the appellant. He further submits that there is delay of 6 days in lodging of the F.I.R and there is no plausible explanation of delay which itself creates doubt over the prosecution case.

Learned counsel for the State opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 20.12.2022 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge, 3rd – cum- Special Judge SC/ST Act, Saran at Chapra in connection with Taraiya P.S Case No. 257 of 2022 subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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