

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.523 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- SASARAM MUFFSIL District- Rohtas

Santosh Sah S/O Bansidhar Sah R/O Village- Baradhi, P.S- Sasaram(M),
Distt.- Rohtas At Sasaram.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shivloachan Paswan S/O Ram Lakhan Paswan R/O Village- Baradhi, P.S-
Sasaram(M), Distt.- Rohtas At Sasaram.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deovind Kumar Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2024 Despite filing *Vakalatnama*, none appears on behalf
of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 05.01.2024 passed by learned Additional District
Judge, XVII cum Exclusive Special Judge, SC/ST, Rohtas at
Sasaram in connection with Sasaram (M) P.S. Case No. 435 of
2023, registered under Sections 147, 148, 149, 341, 323, 324,
307, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of



appellant has been rejected.

4. Allegation against the appellant and other accused persons is that they assaulted informant and his family members by means of axe, *lathi*, *danda* and iron rod and abused them by caste name.

5. Learned counsel for the appellant submits that due to petty dispute, simple occurrence of *maar-peet* took place between the parties in which both sides sustained injuries. Specific accusation of assault is against co-accused Mithilesh Kumar and Anup Kumar. Allegation of assault against appellant is general and omnibus. F.I.R. does not disclose presence of any member of public when the incident occurred, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional District Judge, XVII cum Exclusive Special Judge, SC/ST,



Rohtas at Sasaram in connection with Sasaram (M) P.S. Case
No. 435 of 2023.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 05.01.2024 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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