

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.629 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- SC/ST District- Gopalganj

Sheikh Khalid @ Khalid Hussain Son Of Seraj Hussain R/O-Fatehpur, P.S.-
Mirganj, Distt.-gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Prabhu Sah Son Of Late Bheera Sah R/O-Fatehpur, P.S.-Mirganj, Distt.-
Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Rahul Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 04-10-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant against the order dated 04.01.2024 passed by learned Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST Act, Gopalganj, whereby the prayer for bail of the appellant in connection with Gopalganj SC/ST P.S. Case No. 35 of 2023, under Sections 341, 323, 325, 307, 354, 504, 34 of the Indian Penal Code, Sections 3(i)(r)(s)(w) and 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant along with other co-accused persons were trying to capture the



land of informant and on protest they assaulted him along with his family members by means of *lathi*, *danda* and iron rod causing injuries to them. It is also alleged that the appellant has assaulted the informant brutally due to which the hand and head of the informant was fractured.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that both the parties are neighbours. There is case and counter case between the parties. The allegations levelled against the appellant is general and omnibus in nature. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant has no criminal antecedent.

5. Learned Special P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned Special P.P. further submitted that specific allegation of assaulting the informant is against the appellant. Hence, the appellant does not deserve the privilege of anticipatory bail.



6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the appellant.

7. The appeal is dismissed. However, the appellant is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Rajorshi/-

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