

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1293 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- BAJPATTI District- Sitamarhi

Sujit Kumar Son Of Rajeshwar Sah Resident Of Village - Mahmudpur, Police
Station - Bajpatti, District - Sitamarhi

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sunaina Devi Wife Of Ramswarath Das Resident Of Village - Mahmudpur,
Police Station - Bajpatti, District - Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 03-10-2024 Heard learned counsel for the appellant and learned
Special P.P. for of the State.

2. This appeal has been filed against the order dated
19.01.2024 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection
with Bajpatti P.S. Case No. 268 of 2023, registered under
Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal
Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”),
whereby the prayer for anticipatory bail of appellant has been
rejected.

3. As per F.I.R., on 02.09.2023 at about 4 PM, the
informant got an information that the accused persons named in



the F.I.R. including this appellant are assaulting her son and as such, she reached there and requested them not to assault her son, whereupon, all the accused persons abused her by caste name and brutally assaulted informant and her son and thereafter, fled away.

4. Learned counsel for the appellants submits that F.I.R. has been lodged after a delay of four days without there being any plausible explanation of delay. He further submits that though, there is allegation of assault, but there is no injury report on record. The allegation of assault is general and omnibus. As a matter of fact, this appellant runs a general store at Sonbarsa Chowk and has got no concern with the alleged occurrence. Learned counsel further submits that F.I.R. does not disclose that at the time of occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out against this appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 19.01.2024 is, hereby, set aside and this criminal appeal is allowed.



7. 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-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Bajpatti P.S. Case No. 268 of 2023.

(Prabhat Kumar Singh, J)

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