

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2788 of 2024

Arising Out of PS. Case No.-101 Year-2023 Thana- SC/ST District- Samastipur

Sudhir Jha @ Sudhir Kumar Jha son of Lal Babu Jha Village- pataili Jhakhda
Tole Gangapur Ps- Sarai Ranjan Dist- Samastipur

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Sita Devi wife of Ranjit Paswan Village- Pataili Jhakhda Tole Gangapur Ps-
Sarai Ranjan Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Prakash
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 323-09-2024
1. Heard learned counsel for the appellant and the
learned Special P.P. Ms. Usha Kumari No.1.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 06.04.2024 in A.B.P. No. 621 of 2024 passed by the
learned Special Judge, SC/ST Act, Samastipur in connection
with SC/ST P.S. Case No.101/2023, registered under Sections
341, 323, 354(B), 504, 506 of the Indian Penal Code as well as
Sections 3(1)(r)(s)(w)/3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel for the appellant submits that the



appellant is a person with clean antecedent and the informant alleges that on 16.11.2023 at about 8.00 A.M. the informant was at her outer courtyard and saw that her cow went in the field of the accused persons, accordingly, her husband went to bring her cow back, when the appellant along with other co-accused came and started abusing her husband by taking his caste name and also assaulted him and when informant went to save her husband, then accused Lal Babu Jha ordered his son to kill both of them, thereafter, Sudhir caught informant's hair and dragged her on the road, pushed her down and tore her blouse and co-accused Sanjeev Jha assaulted the informant's husband and threatened him to vacate the land.

4. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant on account of a petty dispute. It is also submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witness and the allegation of abuse and assault is ornamental in nature.

5. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.

6. Considering the submission of the learned counsel



for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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