

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3960 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- BIHIA District- Bhojpur

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1. JAY PRAKASH OJHA S/O TAPINATH OJHA Village- Karja Ps- Bihiya Dist- Bhojpur, Bihar-802186
 2. GOLU OJHA @ ROHIT KUMAR S/O JAY PRAKASH OJHA Village- Karja Ps- Bihiya Dist- Bhojpur, Bihar-802186

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priyajeet Pandey
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 03-12-2024 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.
2. An order, dated 27.07.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge SC/ST, Bhojpur at Ara, in ABP No. 1924 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Bihiya Police Station Case No. 156 of 2023 registered for the offence punishable under Sections 341/323/354B/379/427/504/506/34 of the Indian Penal Code and Section 3 (1)(r)(s)/3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has



been rejected.

3. The prosecution case, as per the First Information Report, is that the daughter of the informant aged about 17 years informed him that while she was arranging bricks, the co-accused Om Prakash Ojha abused her and objected her from arranging the bricks. Further, he also assaulted the informant's daughter, tore her clothes and started abusing by caste name of the informant. The appellant nos. 1, namely, Jay Prakash Ojha, and 2, namely, Golu Ojha, came from behind and threatened the informant's daughter, abused by her caste name and destroyed the mud structure meant for storing grains.
4. Learned counsel for the appellants submits that the co-accused Om Prakash Ojha, who was appellant no. 1 in this appeal, was arrested and has been granted regular bail by the concerned special court itself. Accordingly, by order, dated 01.12.2023, this appeal in respect of appellant, namely, Om Prakash Ojha, was dismissed as withdrawn by this Court.
5. In so far as appellants no. 1 and 2 are concerned, learned counsel submits that both the parties are neighbours, He further submits that the allegation against the appellants that they abused the informant's daughter by her caste



name was not in full public view and the allegation of assault and outraging the modesty of the informant's daughter is against the co-accused Om Prakash Ojha.

6. Despite service of notice, no one appeared on behalf of the respondent no. 2.
7. Learned Special Public Prosecutor for the State is present and opposes the anticipatory bail of the appellants.
8. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are neighbours and abuse made by appellants was not in full public view, I am inclined to grant the appellants privilege of anticipatory bail.
9. This appeal is, accordingly, allowed and the order, dated 27.07.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST, Bhojpur at Ara, in ABP No. 1924 of 2023, is set aside.
10. Let the appellants, Jay Prakash Ojha and Golu Ojha @ Rahit Kumar, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st



Additional Sessions Judge -cum- Special Judge, SC/ST,
Bhojpur at Ara, in connection with Bihiya Police Station
Case No. 156 of 2023, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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