

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4825 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- LACHHUAR District- Jamui

Md. Jamshed Alam Son of Md. Sajjad Alam R/O- Village- Sabal Bigha, PS-
Lachhuwar, District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Choudhary Son of Saryug Choudhary R/O- Village- Sabal Bigha, PS-
Lachhuwar, District- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-12-2024 1. Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

2. An order, dated 19.09.2024, passed by learned
Additional Sessions Judge 1st, Jamui, in ABP No. 1430 of 2024,
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 Lachhuar Police
Station Case No. 125 of 2024 registered for the offence
punishable under Sections 191(2), 190, 115(2), 109, 298, 352,
351(2), 3(5) of the BNS and Section 3 (i)(r)(s) of the Schedule
Caste/Schedule Tribe (Prevention of Atrocities) Act, has been



rejected.

3. As per the prosecution story, on 21.07.2024, at around 8:00 pm in the night, while the informant along with his father was sitting in the temple, in the meanwhile, accused persons, altogether twelve named and thirty unknown persons, started brick batting between themselves and one stone hit the leg of the informant's father and when objected, the accused persons including the appellants abused him by caste name, started pelting stones upon him also. After some time, five persons including the appellant came with arms and ammunition along with twenty five to thirty unknown persons near the Shiv Temple and again started pelting stones on the house and school.

4. Learned counsel for the appellant submits that both the parties are co-villagers and dispute arose between them due to use of loudspeaker. Now good sense has prevailed between the parties and they have decided to settle their dispute amicably. Learned Sessions Judge in the impugned order has arrived at the conclusion that the offence is not compoundable.

5. On the other hand, learned counsel for the informant submits that the occurrence took place between two villagers from different community and now they have decided to settle their dispute amicably.



6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that caste name was not taken in full public view and both parties are co-villagers and there was no prima facie intention to humiliate the informant, I am inclined to grant the appellant privilege of anticipatory bail.

7. This appeal is, accordingly, allowed and the order, dated 19.09.2024, passed by learned Additional Sessions Judge 1st, Jamui, in ABP No. 1430 of 2024, is set aside.

8. Let the appellant, above named, in the event of his 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 Additional Sessions Judge 1st, Jamui, in connection with Lachhwar Police Station Case No. 125 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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