

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.359 of 2024

Arising Out of PS. Case No.-319 Year-2023 Thana- MIRGANJ District- Gopalganj

ROHIT KUMAR SAH @ ROHIT SAH SON OF BHOLA SAH R/O
VILLAGE- KHEMAN TOLA, P.S.- MIRGANJ, DIST.- GOPALGANJ

... .. Appellant/s

Versus

- 1 . THE STATE OF BIHAR PATNA
2. HEERALAL SAH SON OF GOKHULA SAH R/O VILLAGE- KHEMAN
TOLA, P.S.- MIRGANJ, DIST.- GOPALGANJ

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Javed Aslam , Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, APP
For informant	:	Mr. Binay Kumar Singh, Advocate
		Mr. Remy Kumari , Advocate
		Mr. Jitendra Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-07-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 07.11.2023 passed in a case registered for the offence punishable under sections 341, 323, 324, 307, 354B, 504, 506, 34 of the Indian Penal Code and Sections 3 (i) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant alleged that on 13.08.2023 delivery Possession was effected by the Advocate Commissioner, Circle Officer, Hathwa along with the police force in light of the judgment of R.A. No. 16 of 2019 passed by



the ADJ XI on 22.06.2023 and flag was fixed on the spot and after departure of the commissioner, this appellant along with other co-accused persons assaulted the informant and his family members with iron rod, iron pipe, khanti etc. due to which they sustained injury . It is further alleged that accused persons also abused the informant and his family members by caste name and threatened them with dire consequences.

4. It is submitted that appellant is innocent and has committed no offence as alleged. Both parties are on litigating terms over possession of land, due to which the present occurrence took place . Allegation of assault is general and omnibus against this appellant. Injuries sustained by injured are found to be simple in nature . F.I.R. has been lodged after delay of 5 days for which there is no explanation which itself creates doubt over the entire prosecution case . There is no allegation of abuse against this appellant and as such , no case under SC / ST Act is made out. Similarly situated co-accused persons have already granted bail by this Court vide order dated 17.06.2025 in Cr. Appeal (SJ) No. 4832 of 2023 . Appellant claims clean antecedent.

5 . Learned counsel for the respondent No. 2 as well as learned special Public Prosecutor for the State opposed the



bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, 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 the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST, Gopalganj, Bihar in connection with Mirganj P.S. Case No. 319 of 2023 .

(Prabhat Kumar Singh, J)

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