

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.456 of 2024

Arising Out of PS. Case No.-453 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Wajir Alam @ Wajeer Miya son of Jalil Miya Village- Ijari Salempur Ps-
Dhobaha OP Ara Muffasil Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranju Devi wife of Nandji Paswan Village- Salempur Ps- Ara Muffasil
Dhobaha OP Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rama Kant Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2025 Despite filing *Vakalatnama*, none appears on behalf
of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 04.01.2024 passed by learned Additional Sessions
Judge-1st-cum-Special Judge (SC & ST), Bhojpur at Ara in ABP
No. 3611 of 2023 in connection with Ara Muffasil (Dhobaha
O.P.) P.S. Case No. 453 of 2023, instituted under Sections 147,
148, 149, 341, 323, 354, 307, 379, 504, 506 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 3(i)(r)(s), 3(2)
(va) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

4. Prosecution case, in brief, is that on the alleged date and time of occurrence, when daughter of the informant was going to temple, co-accused Nitish Yadav and Krishna Pal misbehaved with her. When informant and her brother-in-law went to make complaint about the incident, all the F.I.R. named accused persons assaulted them and abused by caste name.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Specific accusation of misbehaving with daughter of informant is against other accused persons. Allegation of assault and abuse by caste name is general and omnibus. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the nature of accusation, 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-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-1st-cum-Special Judge (SC & ST),
Bhojpur at Ara in ABP No. 3611 of 2023 in connection with Ara
Muffasil (Dhobaha O.P.) P.S. Case No. 453 of 2023.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 04.01.2024 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

