

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.598 of 2024**

Arising Out of PS. Case No.-178 Year-2023 Thana- SATHI District- West Champaran

MUKUNDAR @RAJABABU SON OF UMESH SAH VILLAGE-
BAHUARWA PS -SATHI DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. UMESH SAH SON OF LATE MANAGER SAH VILLAGE-
BHAGAUNA, PS- SATHI, DISTT- WEST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 31-07-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 03.01.2024 passed in a case registered for the offence
punishable under Sections 147, 148, 149, 341, 323, 448, 452,
379, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)
(s)(2)(va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of the appellant has been rejected.

4. The prosecution case, in brief, is that on 06.08.2023 at about 1 PM, 5 F.I.R. named accused persons and 5 unknown accused persons came to the house of informant having gun in their hands and started assaulting family members of informant and abused them by caste name. It is further alleged that they also snatched cash of Rs. 50,000/- and other ornaments. One co-accused, namely Azaz Alam, was apprehended at the spot who disclosed the name of this appellant.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Appellant is not named in the F.I.R.. Name of appellant transpired in this case on the basis of confessional statement of co-accused person. Except confessional statement there is no material on record to show the complicity of this appellant in the alleged occurrence. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. Similarly situated co-accused persons have already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 06.05.2025 passed in Cr. App. (SJ) No. 5666 of 2023. It is



not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, claim based on parity and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 03.01.2024 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge (S.C./S.T.), Bettiah, West Champaran in connection with A.B.P. No. 3419 of 2023 arising out of Sathi P.S. Case No. 178 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, 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 learned Additional District and Sessions Judge 1st-cum-Special



Judge (S.C./S.T.), Bettiah, West Champaran in connection with
Sathi P.S. Case No. 178 of 2023.

(Prabhat Kumar Singh, J)

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