

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.643 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- FESHAR District- Aurangabad

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1. Govind Sao S/o- Sanjay Saw, R/o Village- Pandey Khap, PS- Fesar, Dist- Aurangabad.
 2. Sanjay Saw @ Sanjay Sao S/o- Chandradip Saw, R/o Village- Pandey Khap PS- Fesar, Dist- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Niranjana Kumar S/o Late Jagdeo Paswan, R/o Village Pandey Khap, PS- Fesar, District Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-07-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (hereinafter referred to as “SC/ST Act”) against the refusal of prayer for anticipatory bail of the appellant vide order dated 06.01.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Aurangabad, in connection with A.B.P. No. 2411 of 2023, arising out of Fesar P.S. Case No. 206 of 2023 dated 14.11.2023



registered for the alleged offences punishable under Sections 302, 307, 341, 323, 325, 504, 147, 148 and 149 of the Indian Penal Code and under Sections 3(i)(r)(s) / 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 14.11.2023 at 04:00 PM, while the cousin brother of informant namely, Sujit Kumar was returning, he was assaulted by co-accused Ramakant Kumar and appellant no. 1 due to which his hand got fractured. When the informant and his family members went to the house of appellant no. 2, twelve named accused persons including the appellants who were variously armed assaulted them. When the grandmother of informant came for their rescue, she was assaulted by Dhananjay Sao by means of iron-rod due to which she fell down on earth. It is further alleged that seven named female members from the family of appellants were abusing taking caste name of the informant and others from their roof.

4. Learned counsel for the appellants submitted that the appellants are innocent and they been falsely implicated in this case. It is further submitted that the specific allegation of assault is against the co-accused Dhananjay Sao, who has assaulted the grandmother of the informant by means of iron-



rod and co-accused Dhananjay Sao has been granted the privilege of anticipatory bail by this Court *vide* order dated 23.08.2024 passed in Cr. Appeal(SJ) No. 759 of 2024. There is no specific allegation of any assault or overt act against these appellants, rather the allegation levelled against them is general and omnibus. Learned Counsel further submitted that caste name was not disclosed by anyone at the time of alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel further submitted that no particular caste name has been called out by the appellants, hence no case is made out under SC/ST (PoA) Act. The appellants claim clean antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 06.01.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Aurangabad in connection with A.B.P. No. 2411 of 2023, arising out of Fesar P.S. Case No. 206 of 2023, is set aside against the appellants. The criminal appeal is allowed.



7. Accordingly, the above named appellants, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Aurangabad in connection with A.B.P. No. 2411 of 2023, arising out of Fesar P.S. Case No. 206 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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