

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.734 of 2025

Arising Out of PS. Case No.-480 Year-2024 Thana- SHIVSAGAR District- Rohtas

1. Mana Tora Devi @ Mantora Devi Wife of Jagmohan Sharma, Resident of Village- Rampur Teladi, PS- Sheosagar, Distt.- Rohtas.
2. Pintu @ Pintu Sharma Son of Jagmohan Sharma, Resident of Village- Rampur Teladi, PS- Sheosagar, Distt.- Rohtas.
3. Vinod Sharma Son of Jagmohan Sharma, Resident of Village- Rampur Teladi, PS- Sheosagar, Distt.- Rohtas.
4. Jagmohan Sharma Son of Late Vansaropan Sharma @ Late Vansaropan Thakur, Resident of Village- Rampur Teladi, PS- Sheosagar, Distt.- Rohtas.
5. Usha Devi Wife of Vinod Sharma, Resident of Village- Rampur Teladi, PS- Sheosagar, Distt.- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Gopal Paswan Son of Late Anawash Paswan, Resident of Village- Rampur Teladi, PS- Sheosagar, Distt.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Babu Nandan Prasad, Advocate.
For the Respondent/s : Mr. Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants, learned Spl. Public Prosecutor appearing on behalf of the State and learned counsel for the Respondent No.2.

2. This appeal has been filed against the order dated 22.01.2025 passed by learned Additional District and Sessions Judge-17-cum-Special Court, Scheduled Caste/ Scheduled Tribes, Sasaram, Rohtas arising out of Sheosagar P.S. Case No.480 of 2024, registered under Sections 191(2), 190, 329(3), 126(2), 303(2), 352, 351(2) of B.N.S., 2023 and Sections 3(1)(r)



(s)(w)(i) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, all the accused persons including the appellants armed with weapon came to the doors of informant when her wife was sweeping her door and started abusing him and taken his caste name. The allegation of assault is on the co-accused Jai Prakash that he assaulted the daughter and wife of the informant by *lathi*.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case. He further submits that the appellants have not taken the caste name of the informant and the allegations made thereupon is omnibus. Learned counsel submits that both the parties are neighbor to each other. He further submits that the allegation of taking caste name of the informant is super addition and there is no specific allegation against the appellants. Further submission is that the F.I.R. has been lodged after 4 days of the alleged incident, for which there is no plausible explanation, which itself creates doubt over the veracity of the prosecution case. Learned counsel submits that



F.I.R. does not disclose that alleged occurrence as well as the caste related utterances took place within the public view or caste based animus, as such, no offence under SC/ST Act is made out. He further submits that appellants have got clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no.2 opposes the anticipatory bail application of the appellant.

7. In view of the aforesaid facts and circumstances, the impugned order dated 22.01.2025 is set aside against the appellants. The criminal appeal is allowed.

6. Considering the submissions advanced on behalf of the parties, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-17-cum-Special Court, SC/ST Act, Sasaram Rohtas in connection with Sheosagar P.S. Case No.480 of 2024.

(Sunil Dutta Mishra, J)

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