

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1236 of 2023

Arising Out of PS. Case No.-264 Year-2022 Thana- FATUA District- Patna

SAHIL SAO @ RAGHUBIR KUMAR @ RAGHUVVEER KUMAR S/O
DHARAMVIR KUMAR Resident of Village- Dariyapur Nayatola P.S.-
Fatuhar, District- Patna.

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. SAHLESH KUMAR S/O DHARMENDRA KUMAR PASWAN Resident of
Village- Dariyapur Nayatola P.S.- Fatuha, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Usha Kumari Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For informant	:	Mr. Ajay Kumar Jha, Advocate
		Mr. Sunil Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-04-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 18.01.2023 , passed in a case registered for the offence punishable under sections 341, 323, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(v) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prsosecution case , informant namely Sahlesh Kumar alleged that on 02.04.2022 at about 11:00 AM , due to land dispute all the F.I.R., named accused persons along



with others assaulted and abused informant by caste name .

4. It is submitted that specific accusation of assault and abuse by caste name is against co-accused Mahabir Sao and so far as this appellant is concerned, allegation is general and omnibus against him. It is not the case of informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out.

5 . Learned counsel for respondent No. 2 and learned special Public Prosecutor for the State opposed the prayer for bail.

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 Exclusive Special Court SC/St, Patna in connection with Fatuha Police Station Case No. 264 of 2022 .

(Prabhat Kumar Singh, J)

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