

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1325 of 2024

Arising Out of PS. Case No.-176 Year-2023 Thana- SATHI District- West Champaran

Sheikh Chhote @ Abu Sayeed @ Md Abu Sayeed Son Of Sheikh Mastakum
@ Md. Mustaqueem Resident Of Village - Semari, P.S. - Sathi, District - West
Champaran

... .. Appellant/S

Versus

1. The State Of Bihar
2. Umesh Sah Son Of Late Manejar Sah Resident Of Village - Bhagauna, P.S. -
Sathi, District - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Shrivastava
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-09-2025 Heard learned counsel for the appellant and learned
Special P.P. Mr. Binay Krishna. No one appears on behalf of the
respondent no.2.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
11.01.2024 passed by the learned Additional District and
Sessions Judge-1st-cum-Special Judge (SC/ST), Bettiah, West
Champaran, in ABP No. 3337/2023, arising out of Sathi P.S.
Case No. 176 of 2023, registered under Sections 147, 341, 323,
324, 307, 504, 506, 149 of the Indian Penal Code as well as
Sections 3(1)(r)(s), 3(2)(v-a) of the Scheduled Castes and
Scheduled Tribes Act.



3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that on 04.08.2023 at about 4.00 P.M, while he was preparing his land for planting the crops when all the accused persons including the appellant came variously armed and stopped him from carrying on with his agricultural work and even assaulted him, further Khurshed Alam assaulted the informant by legs and stopped him to plough the field and threatened him to kill, thereafter Khurshed assaulted the informant by *farsha* causing injury on neck, thereafter all the accused assaulted him by lathi, danda and Naushad and Ashraf along with Dukhan pointed pistol.

4. Learned counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that specific allegation of assaulting the informant is against Khurshed. It is also submitted that there is a land dispute between the parties, on account of which, the accused persons have been implicated as they are related to Khurshed. It is also submitted that from the side of Khurshed, Sathi P.S. Case No.181/2023 has been instituted against the informant and his side. It is further submitted that the FIR does not even remotely



suggest that the occurrence was witnessed by any independent witnesses.

5. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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