

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1402 of 2024

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

Sheikh Munna @ Irshad @ Irshad Alam SON OF LATE KAMRUL ALAM
RESIDENT OF VILLAGE- SEMARI PS- SATHI, DIST- WEST
CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. UMESH SAH SON OF LATE MANGER SAH RESIDENT OF VILLAGE-
BHAGONA PS- SATHI, DISTT- WEST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhannjay Kumar, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-10-2025 1. Heard learned counsel for the appellant 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 the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 10.01.2024 in A.B.P. No. 3231 of 2023 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Bettiah, West Champaran in connection
with Sathi P.S. Case No. 176 of 2023 registered for the offences
punishable under Sections 147, 341, 323, 324, 307, 504, 506
and 149 of the Indian Penal Code as well as Sections 3(1)(r)(s)



and 3(2)(v-a) of the SC/ST Act.

3. Learned counsel for the appellant submits that appellant has antecedent of one case. It is further submitted that the case was taken up on 02.05.2024 and notices were issued on the respondent no. 2 and from perusal of the office report dated 21.05.2025, it would manifest that the same records that ordinary notice has been validly served on the respondent no. 2. It is next submitted that though respondent no. 2 accepted the notice, but then chooses not to appear and contest. It is next submitted that the informant alleges that he belongs to ST category and on 04.08.2023 he was preparing his land for planting when at about 04:00 PM, all accused persons came variously armed and stopped him from carrying on with his agricultural work and assaulted him and also abused by taking caste name and threatened to kill, further Khurshid Alam assaulted him by *farsa* causing injury on neck, thereafter all the accused persons assaulted him by *lathi* and *danda* and Naushad and Dankan @ Javed threatened with pistol to leave the land or he will be shot.

4. Learned counsel for the appellant submits from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is



alleged to have taken place. It is next submitted that no specific allegation of assault is alleged against the petitioner though there is specific allegation of assaulting the informant by Khurshid Alam. It is also submitted that though it is alleged that Naushad and Dankan threatened him with pistol, but then the FIR has not been instituted under the arms act which casts an aspersion on the case of the prosecution.

5. Learned Spl. P.P. for the State opposes the appeal.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 10.01.2024 in A.B.P. No. 3231 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran in connection with Sathi P.S. Case No. 176 of 2023, **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with Sathi P.S. Case No. 176 of 2023 subject to the conditions as laid down



under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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