

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1513 of 2024

Arising Out of PS. Case No.-315 Year-2021 Thana- MAJHAULIA District- West Champaran

Asheshar Sahani @ Asheswar Sahani @ Ashesar Shahni S/O Late Dharman
Sahani Resident of Village- Uttari Noneya Dhab Tola, Police Station-
Paharpur, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Ram s/o Bhukhal Ram Resident of Village- Ahnwar Kudiya, Ward
No. 11, Police Station- Majhauria, District - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abu Nasar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-08-2025 Heard learned counsel appearing on behalf of
appellant and Spl. Public Prosecutor.

2. This criminal appeal has been filed against the order dated 07.11.2023 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge SC/ST (POA) Act, Bettiah, West Champaran in connection with Majhauria P.S. Case No. 315 of 2021, registered under Sections 147, 148, 149, 323, 324, 504, 506 of the Indian Penal Code and Section 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act to which Sections 307, 302 of the Indian Penal Code and Sections 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act were added later



on, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per F.I.R., appellant along with other named accused persons assaulted nephew of the informant as a result of which, he died during course of treatment. Appellant is alleged to be one of the assailants of the deceased.

4. Learned counsel for the appellants submits that appellant is innocent and has committed no offence. Allegation of assault is general and omnibus. It is not the case of informant that alleged incident occurred within public view, as such, no case under SC/ST Act is made out against appellant.

5. However, learned Spl. Public Prosecutor appearing for the State vehemently opposed the prayer for bail of the appellant as submitted that there is specific accusation that this appellant assaulted on the head of deceased with rod.

6. Considering the nature of accusation and gravity of offence, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected.

(Prabhat Kumar Singh, J)

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