

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1698 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- SC/ST District- Bhagalpur

Deepak Kumar Jha S/o Late Arbind Kumar Jha R/o Mohalla - Suryalok
Colony, P.S. - Babarganj, Distt. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bijay Kumar Rajak S/o Sri Sadhu Lal Baitha R/o Mohalla - Barari, West
Kapuri Modi Lane, P.S. - Barari, Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjan Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, A.P.P. Mr. Vivekanand Vivek, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-08-2025 Heard learned counsels for the parties.

2. This criminal appeal has been filed against the order dated 15.03.2024 passed by learned Additional District & Sessions Judge-III-cum-Special Judge (SC & ST Act), Bhagalpur in ABP No. 358 of 2024 arising out of Bhagalpur SC/ST P.S. Case No. 31 of 2023, instituted under Sections 341, 323, 406, 420, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Prosecution case, in brief, is that on 15.11.2023 when informant went to the house of co-accused Gayatri Sah



and requested to execute the sale deed, Gayatri Sah abused him by caste name and this appellant caught his collar and tried to strangle him.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. From perusal of the F.I.R. it is apparent that there is dispute between Gayatri Sah and the informant with regard to registration of land. F.I.R. has been lodged after inordinate delay of five days without any plausible explanation. As a matter of fact, on the alleged date of occurrence, appellant was not present at the place of occurrence and during course of investigation, Investigating Officer has also not found any such incident in the CCTV footage installed in the house of co-accused Gayatri Sah. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the informant vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on



furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-III-cum-Special Judge (SC & ST Act), Bhagalpur in ABP No. 358 of 2024 arising out of Bhagalpur SC/ST P.S. Case No. 31 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 15.03.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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