

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1953 of 2024

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

Gayatri Sah W/o Late Ramchandra Sah @ Ramchandra Prasad Sah R/o
Mohalla - Aliganj, P.S. - Mirjanhat, 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	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Vivekanand Vivek, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-09-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 03.04.2024 passed in a case registered for the offence punishable under Sections 341, 323, 406, 420, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that on 15.11.2023, when informant went to the house of this appellant



and requested to execute the sale deed, all the F.I.R. named accused persons, including this appellant, abused him by caste name, caught his collar and tried to strangle him.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From perusal of the F.I.R. it is apparent that there is dispute between the appellant and informant with regard to registration of land and during pendency of this case, the land has already been registered in favour of the informant. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against the appellant. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. It is lastly submitted that similarly situated co-accused person, namely Deepak Kumar Jha, has already been granted anticipatory bail by this Hon'ble Court vide order dated 21.08.2025 passed in Cr. Appeal (SJ) No. 1698 of 2024. Appellant claims clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of



the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, claim based on parity and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 03.04.2024 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with A.B.P. No. 739 of 2024 arising out of Bhagalpur SC/ST P.S. Case No. 31 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, 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 learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No. 31 of 2023.

(Prabhat Kumar Singh, J)

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