

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2056 of 2025

Arising Out of PS. Case No.-4 Year-2024 Thana- SC/ST District- Saharsa

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1. Abhishek Raj @ Bholu Jha S/o Sanjay Jha Resident of Village - Kahra, Ward No 13, PS- Saharsa, District- Saharsa
 2. Sunny Jha S/o Rakesh Jha Resident of Village - Kahra, Ward No 13, PS- Saharsa, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Kumar Das S/o Shambhu Das R/o Kahra Kutti, ward no. 11, P.s. and Distt. - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pranav Kumar Jha, Advocate Mr. Subodh Kumar Jha, Advocate Mr. Sarveshwar Tiwary, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Sp.P.P
For the Respondent No.2:	:	Mr. Subash Sharma, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 30-10-2025 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 24.04.2025 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Saharsa in A.B.P. No. 56/2025 in connection with Saharsa SC/ST P.S. Case No. 04 of 2024 dated 14.02.2024 registered for the offence/s punishable u/ss 147, 148, 149, 341, 342, 323, 363, 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.



3. As per the prosecution case, when the informant along with his two friends Kumod Sah and Bhavesh Yadav went to garage to get the motorcycle repaired, meanwhile 20 persons on 5-6 motorcycles came there and started abusing the informant and his friends. They also assaulted them with lathi, rod, hockey stick etc. Some of them started firing upon the informant and others. The appellants and the co-accused persons took the informant and his two friends on four wheeler and assaulted them brutally. The co-accused, Sanjay Jha fired 8-10 bullets on the informant and his friends but luckily they survived. They also threatened them and also abused them by calling their caste name. Thereafter, the injured were taken to the hospital for treatment.

4. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. The specific allegation of firing is against the co-accused, Sanjay Jha rather the allegation against the appellants is general and omnibus. Learned counsel has further submitted that no body has sustained firearm injury. As per FIR, no member of public was present at the relevant point of time of the incident. The co-accused person has been granted regular bail by this Court vide order dated 27.02.2025 passed in Cr. Appeal (SJ) No. 209 of 2025. The appellant no. 1 has three criminal antecedents whereas the appellant no. 2 has one criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned



Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 24.04.2025 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Saharsa in A.B.P. No. 56/2025 in connection with Saharsa SC/ST P.S. Case No. 04 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Saharsa in A.B.P. No. 56/2025 in connection with Saharsa SC/ST P.S. Case No. 04 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S.

(Chandra Prakash Singh, J)

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