

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2637 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- SC/ST District- Darbhanga

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VIRENDRA JHA SON OF YADUVIR JHA RESIDENT OF VILLAGE -
POHADDI, P.S. - BAHERA, DISTRICT - DARBHANGA

... .. Appellant/s

Versus

- 1 . THE STATE OF BIHAR BIHAR, PATNA
2. MALHU SADA SAUKHI SADA RESIDENT OF VILLAGE - POHADDI
HARKHU POKHAR, P.S. - BAHERA, DISTRICT - DARBHANGA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kanchan Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-04-2025 Heard learned counsel for the parties. Despite

filing vakalatnama , nobody appears on behalf of respondent

No. 2.

2. This appeal has been filed for setting aside order
dated 10.05.2023 passed in a case registered for the offence
punishable under sections 341, 342, 323, 504 and 506 of the
Indian Penal Code and sections 3(i)(r) (i) (s) and 3(2)(v)(a) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby the prayer for anticipatory bail
of the appellant has been rejected.

3 . As per the prosecutiosn case , informant namely
Molhu Sada alleged that on 26.02.2023 at about 3 pm, while he



was returning home , in the meantime , all the F.I.R., named accused persons including this petitioner arrived and assaulted him. It is further alleged that this petitioner is alleged to have abused informant by caste . It is further alleged that co-accused Ramashish Jha wrapped gamachha around his neck and pushed him down and thereafter co-accused Chun Chun Jha assaulted him with lathi.

4. It is submitted that appellant is quite innocent and has committed no offence as alleged. As a matter of fact, earlier also the informant lodged a case at the instance of his cousin brother Ganga Prasad in which I. O has submitted final form and found the allegation false . Allegation is general and omnibus against the appellant and no specific overt act has been alleged against him. It is not the case of informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out.

5 . Learned special Public Prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Additional sessions Judge - cum- Exclusive Special Judge , SC/St, POA Act Darbhanga in connection with Darbhanga sc / st Police Station Case No. 23 of 2023 .

(Prabhat Kumar Singh, J)

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