

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2565 of 2024

Arising Out of PS. Case No.-355 Year-2022 Thana- LADANIA District- Madhubani

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Amarjit Jha @ Raja Babu @ Amarit Jha S/o Lalitesh Kumar Jha @
Laliteshwar Jha @ Gannu Jha R/o Village- Padma, P.S.- Ladaniya, District-
Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Garib Paswan S/o Mahendra Paswan, R/o Village- Patauna, P.S.- Basopatti,
District- Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Yogesh Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 10-07-2025

Re: I.A. No. 01 of 2025:

Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Spl. P.P. for the
State.

2. The present I.A. No. 01 of 2025 has been filed
for treating the service of notices as valid service of notice, as
the notice addressed to respondent no. 2 has been received by
his mother.

3. Learned counsel for the appellant submitted that
Resma Devi is the mother of respondent no. 2, i.e., Garib
Paswan and they live jointly in a joint house.

4. For the reasons mentioned in the I.A. No. 01 of



2025, the same is allowed and service of notice is accepted as valid service of notice.

5. Accordingly, I.A. No. 01 of 2025 stands disposed of.

Re: Cr. Appeal No. 2565 of 2024:

6. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (hereinafter referred to as “SC/ST Act”) against the refusal of prayer for anticipatory bail of the appellant vide order dated 02.05.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge Madhubani, in connection with A.B.P. No. 704 of 2024, arising out of Ladaniya P.S. Case No. 355 of 2022 dated 02.12.2022 registered for the alleged offences under Sections 341, 323, 307, 379, 506, 504 / 34 of the Indian Penal Code and under Sections 3(i)(r) / 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. As per prosecution case, the informant along with his friends was going to attend a marriage party and on the way they stopped for tea at Padma Chowk, where the accused persons started abusing him by calling his caste name. On being objected, they started assaulting the informant and his friends



with fists and slaps. When his friend, Chandra Bhusan Singh came to rescue, they also assaulted him with bamboo causing injury on his head and eyes.

8. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. There is general and omnibus allegation against the appellant. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no specific caste name has been called by the appellant, hence, no case is made out under Section SC/ST Act. The appellant has clean antecedent as mentioned in paragraph no. 3 of the bail application.

9. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

10. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 02.05.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge Madhubani, in connection with A.B.P. No. 704 of 2024 arising



out of Ladaniya P.S. Case No. 355 of 2022, is set aside against the appellant. The criminal appeal is allowed.

11. Accordingly, the above named appellant, in the event of his arrest/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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge Madhubani, in connection with A.B.P. No. 704 of 2024, Ladaniya P.S. Case No. 355 of 2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Shahnawaz/-

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