

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3073 of 2023**

Arising Out of PS. Case No.-125 Year-2022 Thana- DURAULI District- Siwan

BINOD GUPTA @ BINOD SAH son of Bhoj Shah Village- Dumrhar Khurd
Ps- Darauli Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramjanam Gourh son of Late Ram Ekbal Gourh Village- Dumrhar Khurd
Ps- Darauli Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Chandra, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

9 22-07-2025 Despite filing *Vakalatnama*, none appears on behalf
of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 25.04.2023 passed by learned Additional Sessions
Judge- 1st -cum-Special Judge, Siwan in ABP No. 966 of 2023
in connection with Darauli P.S. Case No. 125 of 2022, instituted
under Sections 147, 341, 323, 307, 504, 302, 120(B) of the
Indian Penal Code and Sections 3(1)(r)(s), (2)(v) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of



appellant has been rejected.

4. Prosecution case, in brief, is that on 06.05.2022, this appellant along with other co-accused, armed with sticks, *farsa* and sword, came at the house of informant and assaulted informant and his family members and abused them by caste name. It is further alleged that co-accused Salauddin hit on the head of the wife of informant with brick, as a result of which, she died during treatment.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Specific accusation of assault is against co-accused Salauddin Mian who assaulted on the head of the deceased with brick. Post-mortem report also reveals that deceased sustained head injury caused by hard and blunt substance. 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.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. 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 Sessions Judge- 1st -cum-Special Judge, Siwan in connection with Darauli P.S. Case No. 125 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 25.04.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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