

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3344 of 2024**

Arising Out of PS. Case No.-61 Year-2024 Thana- PANCHRUKHI District- Siwan

GAURAV KUMAR SAH S/O RAJARAM SAH R/O VILLAGE- LAHEJI,
TOLA MATHIA, P.S- M.H. NAGAR, DISTRICT- SIWAN.

... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR
- 2. CHANDAN NIGAM S/O SUBHASH RAM R/O VILLAGE- LAHEGI,
TOLA MATHIA, P.S- M.H. NAGAR, DISTRICT- SIWAN.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Javed Aslam, Advocate
For the State : Ms. Usha Kumari 1, APP
For the Respondent no.2 : Mr. Ramchandra Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

- 312-11-2025
1. Heard learned counsel for the appellant, learned
counsel for the State and learned counsel for the respondent
no.2.

2. As per the prosecution case, 11 named accused
persons including the appellant herein are said to have come
variously armed. It is further stated that Vicky, Dablu Sah and
Vikash Kumar came variously armed, they abused the informant
and the members of his family in the name of their caste. As a
result of the informant and others falling down because of
assault, it is stated that the accused persons dragged him near
the public road and a video recording of the same is available in
the mobile. The informant states that Sanjay Kumar who was



returning from the Gas Agency told them that the informant may die as a result of this brutal assault. Thereafter the accused are said to have snatched the gold chain from the mother of the informant.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in the case. There is case and counter case between the parties and besides the allegations being specific on three persons who are not the appellant in the instant appeal, the allegations are general and omnibus in nature. The appellant has no criminal antecedent.

4. The appeal is opposed by learned counsel appearing for the State and learned counsel appearing for the respondent no.2. It is submitted by learned counsel appearing for the respondent no.2 that in view of the occurrence having taken place within public view, in the case which is registered under the S.C. and S.T. Act besides other sections, no application for anticipatory bail will be maintainable.

5. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the provisions of the S.C. and S.T. (Prevention of Atrocities) Act, 1989 together with the judgment dated 1.9.2025 of the Hon'ble Supreme Court in *SLP (Cr.) no.8169 of 2025 (Kiran vs.*



Rajkumar Jivraj Jain & Anr.), the instant appeal for grant of anticipatory bail is not maintainable.

6. In view of the above, the appeal is dismissed.

7. The appellant is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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