

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3426 of 2024

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

1. Dablu Sah @ Dablu Kumar Son Of Kanhaiya Sah Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan
2. Dipanshu Sah @ Dipanshu Kumar Sah Son Of Ram Sah Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan
3. Vikash Sah @ Vikash Kumar Saw Son Of Ram Lal Sah Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan
4. Manoj Sah @ Manoj Kumar Sah Son Of Daroga Sah Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan
5. Aman Sah @ Aman Kumar Sah Son Of Sunil Sah Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan
6. Susheel Sah @ Susheel Kumar Sah Son Of Late Satyadeo Sah Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan
7. Abhay Sah @ Abhay Kumar Sah Son Of Sri Krishna Sah Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan
8. Gulshan Yadav @ Gulshan Kumar Yadav Son Of Subhash Yadav Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan
9. Munna Sah Son Of Sunder Sah Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Nigam Son Of Subhash Ram, S/O. Late Mangal Ram Resident Of Village - Laheji Mathiya, P.S. - M.H. Nagar, P.O. - Laheji, District - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Irshad Ahmad Khan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-11-2025 Despite filing *Vakalatnama*, none appears on behalf
of the respondent no. 2.

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



3. This appeal has been filed against the order dated 22.06.2024 passed by learned 1st Additional Sessions Court-cum-Special Judge, Siwan in ABP No. 714 of 2024 arising out of Pachrukhi (M.H. Nagar) P.S. Case No. 61 of 2024 registered under Sections 341, 323, 504, 379/34 of the Indian Penal Code and Section 3(1)(r)(a)s, 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per F.I.R., dispute arose between the parties over drinking water from the tube well in which it is alleged that all the appellants entered the house of informant, assaulted informant and his uncle, snatched gold chain from the neck of mother of the informant and abused them by caste name.

5. It is submitted that both parties are co-villagers and due to petty dispute, altercation took place between them in which both sides sustained injuries. Case and counter case. Allegation of assault is general and omnibus. No specific allegation of any overt act against the appellants. He further submits that the alleged incident took place inside the house of informant and not within public view, as such, no case under SC/ST Act is made out against these appellants. Rest of the allegations are ornamental only to make the case grave.



Appellants claim clean antecedent.

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

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Court-cum-Special Judge, Siwan arising out of Pachrukhi (M.H. Nagar) P.S. Case No. 61 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 22.06.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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