

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3811 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- SANOKHAR District- Bhagalpur

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- 1 . SAKIB @ MD. NAJMUS @ SAQUIB SON OF LATE NAJMUL HASSAN
RESIDENT OF VILLAGE DIGGHI, PS- MEHGAMA, DIST- GODDA
(JHARKHAND)
 2. ADIL @ MD. ADIL HUSSAIN SON OF LATE JAMRUDDIN RESIDENT
OF VILLAGE DIGGHI, PS- MEHGAMA, DIST- GODDA
(JHARKHAND)

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. SULOCHANA DEVI WIFE OF ARVIND PASWAN RESIDENT OF
VILLAGE- SAHUPARA, PS- SANOKHAR, DIST- BHAGALPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramendra Kumar Bharti , Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-10-2025 Heard learned counsel for the parties. Despite

valid service of notice nobody appears on behalf of respondent

No. 2.

2. This appeal has been filed for setting aside order
dated 06.05.2023 passed in a case registered for the offence
punishable under sections 341, 325 , 147, 149, 337, 354, 338 ,
504 and 506 and other allied sections of the Indian Penal Code
and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled
Tribes (POA) Act, whereby the prayer for anticipatory bail of
the appellants has been rejected.



3 . As per prosecution case , on the alleged date and time of occurrence , when informant went to purchase chicken, in the meantime, accused persons caught collar of informant and abused him by caste name . It is further alleged that later on these appellants along with 50 persons came to the house of informant assaulted him by means of fists, leg, sword and iron rod and looted certain articles from his house and also misbehaved with informant.

4. It is submitted on behalf appellants that appellants have falsely been implicated in this case . As a matter of fact, during purchase of hens, an altercation took place between both the parties and taking advantage of the same , this false and concocted case has been lodged against these appellants. Allegation is general and omnibus against these petitioners. No specific overt act is alleged against them. Injuries sustained by injured is simple in nature . It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent. Similarly situated co-accused persons have already been granted bail by this Hon'ble Court vide order dated 26.09.2024 in Cr. Appeal (SJ) No. 3720 of 2023 .

5 . The learned Special public prosecutor for the



State vehemently opposed the prayer for bail of these appellants.

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 3rd Additional Sessions Judge cum Special Judge, SC/St Act Bhagalpur in connection with Sanhokhar Police Station Case No. 47 of 2023 .

(Prabhat Kumar Singh, J)

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