

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4039 of 2023**

Arising Out of PS. Case No.-376 Year-2023 Thana- AMARPUR District- Banka

=====

UMESH SAH SON OF BISHO SAH @ BISHWANATH SAH RESIDENT
OF VILLAGE BANIYACHAK P.S AMARPUR DISTRICT BANKA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. CHULHO TANTI SON OF MAHESHWAR TANTI VILLAGE-
BANIYACHAK, PS- AMARPUR, DIST- BANKA

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Subhash Kumar Jha
For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 21-03-2025 1. Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.
2. An order, dated 04.08.2023, passed by learned Additional
Sessions Judge I -cum- Special Judge SC/ST Act, Banka,
in ABP No. 1057 of 2023, is under challenge in the
present appeal preferred under Section 14-A (2) of the
Schedule Caste and Schedule Tribes (Prevention of
Atrocities) Act, 1989, whereby the anticipatory bail
application of the appellant in connection with Amarpur
Police Station Case No. 376 of 2023 registered for the
offence punishable under Sections 341/323/504/506 of
the Indian Penal Code and Sections 3 (i)(r)(s)/3(2)(va) of



the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 26.05.2023, in the morning, while the informant was on his field, the appellant came there and started abusing him. When protested, the appellant assaulted him by lathi and fists due to which he sustained injury on his head.
4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to election dispute. He next submits that side of the informant had won the election and on the date of occurrence i.e. 26.05.2023, the appellant was abused and assaulted by the side of the informant, for which, Amarpur Police Station Case No. 375 of 2023 was lodged by the appellant, which is prior in time to the present First Information Report. He further submits that the present First Information Report has been lodged as a counter-blast to the FIR lodged by the appellant. The caste name was not taken in full public view, which would be evident from the allegation made in the First Information Report itself that the appellant allegedly took caste name on the



field of the informant.

5. Despite service of notice, no one appeared on behalf of the respondent no. 2.
6. Learned counsel for the Special Public Prosecutor of the SC/ST Act opposes the prayer for anticipatory bail and submits that there is specific allegation against the appellant of assault and abuse in the caste name.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact the occurrence has taken place due to political rivalry and First Information Report lodged by the appellant is prior in time to the present FIR and caste name was not taken in full public view, I am inclined to grant the appellant privilege of anticipatory bail.
8. This appeal is, accordingly, allowed and the order, dated 04.08.2023, passed by learned Additional Sessions Judge I -cum- Special Judge SC/ST Act, Banka, in ABP No. 1057 of 2023, is set aside.
9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge I -cum- Special Judge SC/ST Act, Banka, in connection with Amarpur Police Station Case No. 376 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

