

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4087 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- BACHHWARA District- Begusarai

1. Shankar Sah Son of Late Saryuj Sah Village- Sura, Ps- Bachhwara, Dist- Begusarai
2. Anuj Kumar Son of Shankar Sah Village- Sura, Ps- Bachhwara, Dist- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. This appeal has been preferred against the order dated 25.07.2024, passed by the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Begusarai, in connection with A.B.P. No. 1385 of 2024, arising out of Bachhwara P.S. Case No. 80 of 2024, registered for the offences under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code, and Sections 3(1)(r)(s) and 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act, by which the prayer for anticipatory bail of the appellants was rejected.

3. As per the prosecution case, the allegation is that



the accused persons abused the informant by taking his caste name, assaulted him with slippers and shoes, tore his clothes, snatched Rs. 1,000/-, and that Shankar Sah fired a shot with intent to kill.

4. Learned counsel for the appellants submits that the allegations made in the F.I.R. are general and omnibus in nature and that the appellants have been falsely implicated in this case. It is further contended that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellants, and hence, the application for anticipatory bail is maintainable.

5. Learned counsel for the State has vehemently opposed the prayer for anticipatory bail.

6. From a reading of the F.I.R., it appears that the dispute arose over payment of wages, and it seems to be a case of mala fide prosecution. It does not appear that the alleged occurrence was committed against the informant on the ground that he belongs to the S.C./S.T. community.

7. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the order dated 25.07.2024 passed by the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Begusarai, in



connection with A.B.P. No. 1385 of 2024, arising out of Bachhwara P.S. Case No. 80 of 2024, is set aside.

8. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Begusarai / concerned Court below, in connection with A.B.P. No. 1385 of 2024, arising out of Bachhwara P.S. Case No. 80 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the B.N.S.S.

9. At the time of furnishing bail bonds, the appellants are directed to deposit Rs. 3,000/- (Rupees Three Thousand) in the Court below, which shall be released in favour of the informant by the said Court.

(Sandeep Kumar, J)

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