

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4197 of 2023**

Arising Out of PS. Case No.-34 Year-2023 Thana- MAHNAR District- Vaishali

Sanjeev Kumar @ Sanjeet Kumar Son of Devendra Ray R/o vill -
Hargovindpur, P.S. - Mahnar, Distt. - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Anchal Devi W/o Tyagi Paswan R/o vill - Sarmastpur, P.S. - Mahnar, Distt. -
Vaishali

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Manish Chandra Gandhi, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.P.P.
For the Respondent – 2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-02-2025 Heard learned counsel for the appellant and learned
Special P.P. for of the State. Despite filing *Vakalatnama*, nobody
appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated
19.07.2023 passed by learned Special Judge, SC/ST Act,
Vaishali at Hajipur in a case registered under Sections 341, 323,
354, 504, 379 & 506 r/w section 34 of the Indian Penal Code
and Section 3(i)(r)(s) of the SC/ST Act, whereby the prayer for
anticipatory bail of appellant has been rejected.

3. As per prosecution case, on the alleged date and
time of occurrence, while the informant was sitting at her door,
all the accused persons named in the FIR including this



appellant came and started throwing ashes & dust towards informant and started pulling her hand and on protest, she was assaulted and molested by them. It is further alleged that when one Fuleshwari Devi came to save informant, she was also assaulted and accused persons snatched her gold chain and also abused informant by taking caste name.

4. Learned counsel for the appellant submits that allegation is general and omnibus and no specific overt act has been alleged against this appellant. Rest of the allegation is ornamental in nature. As a matter of fact, on the alleged date and time of occurrence, this appellant was not present in the village, since his father is driver in Indian Oil Corporation at Assam and appellant also lives with his all family members at Assam. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 19.07.2023 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of



arrest or surrender within a period of eight weeks from today, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 34 of 2023.

(Prabhat Kumar Singh, J)

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