

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4413 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- KOPA District- Saran

SACHIN KUMAR KUSHWAHA @ SACHIN KUMAR SINGH Son of Om
Prakash Kushwaha R/o vill - Dhenuki, P.S. - Kopa, Distt. - Saran at Chapra

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Saroj Kumar Sah Son of Raj Kishore Sah R/o vill - Dewariya, P.S. - Kopa,
Distt. - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Udai Shankar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 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 21.07.2023 passed in a case registered for the offence
punishable under sections 341,323,324,307,504,506/34 of IPC
and 27 of the Arms Act and sections 3(i)(r)(s) of SC/ST (POA)
Act, whereby the prayer for anticipatory bail of the appellant
has been rejected.

3 . As per F.I.R. informant namely, Saroj Kumar Sah
alleged that on 27.03.2023 at about 08:50 O'Clock, when
informant was watching cricket match in Anwal field and at the



end of the said match, due to old enmity of Kopa Case No. 68/2021, all the F.I.R. named accused persons including this appellant along with 10-15 unknown persons came there and started abusing informant and thereafter, tied towel around his neck and dragged him. It is further alleged that accused persons coerced informant into their vehicle and when informant raised alarm, nearby people protested, then accused persons assaulted informant with knife due to which he sustained injury and also fired upon him but anyhow informant managed to escape .

4. It is submitted that no such occurrence as alleged ever took place as alleged in the F.I.R. As a matter of fact, during cricket match a quarrel took place between both the parties in which both sides sustained injuries. Case and counter case . Allegation of assault is general and omnibus. Injury allegedly caused by this appellant is simple in nature . It is not the case of the informant that any member of the public was present at the time of incident and as such, no case under the SC/ST Act is made out against him. Rest of the allegations are ornamental in nature to make the case grave .

5 . Learned special Public Prosecutor for the State opposed the bail appeal.

6. Considering the nature of injury and other



circumstances of the case , 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 I/C-cum-Special Judge, SC/ST Special Court Saran at Chapra in connection with Kopa Police Station Case No. 60 of 2023 .

(Prabhat Kumar Singh, J)

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