

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4337 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- UCHKAGAON District- Gopalganj

Anuj Kumar Son of Late Shambhu Chaudhary @ Shambhunath Chaudhary
Resident of Vill-Dahibhatta P.S- Uchkagaon Dist-Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramesh Baitha Son of Late Ambika Baitha Resident of Vill-Dahibhatta P.S-
Uchkagaon Dist-Gopalganj

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellant and learned
Spl. PP for the State.

2. The appellant has preferred the appeal under Section 14(A)(2) of the SC/ST (POA) Act against the rejection of prayer for pre-arrest bail vide order dated 24.07.2024 passed by learned Addl. Sessions Judge. XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in Uchkagaon P.S. Case No. 323 of 2023 registered under Sections 341, 323, 504, 379 and 34 of the Indian Penal Code and Section 3(i)(a)(r)(s) of the SC/ST Act.

3. As per the allegation made in the F.I.R., the accused persons named therein including the appellant is said to have



abused and assaulted the informant and his son and they also used caste narrated words against the informant. Specific allegation against the petitioner is to have taken away Rs.5,000/- from the pocket of the informant.

4. Learned counsel appearing on behalf of the appellant submitted that appellant is innocent and has falsely been implicated in the present case. General and omnibus allegation has been levelled against the appellant. He further submitted that the date of occurrence is 27.07.2023 but the FIR has been lodged on 05.08.2023 without any explanation, which shows that it is an afterthought. He further submitted that as per the FIR, the said incident took place in the house of the informant, which is not in public view. Appellant has clean antecedent. Similarly situated co-accused Neeraj Kumar has also been granted pre-arrest bail by a co-ordinate Bench of this Court *vide* order dated 06.05.2025 passed in Criminal Appeal (SJ) No.5631 of 2023.

5. Learned Spl.PP for the State has opposed the prayer for grant of bail to the appellant.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR. The offence as alleged cannot be said to have happened



in public view, as well as, the fact that similarly placed co-accused has already been granted pre-arrest bail by a co-ordinate Bench of this Court, the appellant, above named, who is having clean antecedent, is directed to be released on bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Uchkagaon P.S. Case No. 323 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

7. Accordingly, the impugned order is set aside and appeal is allowed.

(Purnendu Singh, J)

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