

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4564 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- SC/ST District- East Champaran

RAMBABU SAH S/O MOHAN SAH @ RAJ MOHAN SAH R/O
VILLAGE- KAMAL PAKADI, P.S- KALYANPUR, DISTT.- EAST
CHAMPARAN.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. JAGMATI DEVI W/O PUNEYDEO RAM R/O VILLAGE-
NARAYANPUR TOLA KAMAL PAKARI, P.S- KALYANPUR, DISTT.-
EAST CHAMPARAN.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Bal Govind Sharma, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-08-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 09.05.2023 passed in a case registered for the offence
punishable under Sections 341, 323, 354B, 504, 506 and 34 of
the Indian Penal Code and Sections 3(i)(a)(r)(s), w(I) and 3(2)
(va) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. As per prosecution case, it is alleged that all the F.I.R. named accused persons, including this appellant, forming an unlawful assembly, armed with weapons, reached at the house of informant, abused by caste name and assaulted the prosecution party.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As per prosecution case, the alleged occurrence took place on 19.05.2022 but the present F.I.R. has been lodged after inordinate delay of 8 days on 27.05.2022 and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. It is further submitted that similarly situated co-accused persons have already been granted privilege



of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 13.09.2023 passed in Cr. Appeal (SJ) No. 625 of 2023 and order dated 13.12.2023 passed in Cr. Appeal (SJ) No. 671 of 2023. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, claim based on parity and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 09.05.2023 passed by the learned Special Judge SC/ST Act, East Champaran, Motihari in connection with A.B.P. No. 1926 of 2023 arising out of SC/ST Motihari P.S. Case No. 16 of 2022 is hereby set aside with respect to this appellant only.

8. Accordingly, 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 learned Special Judge SC/ST Act, East Champaran, Motihari in connection with arising out of SC/ST Motihari P.S. Case No. 16



of 2022.

(Prabhat Kumar Singh, J)

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