

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4505 of 2023

Arising Out of PS. Case No.-453 Year-2021 Thana- ALAMGANJ District- Patna

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1. LALLU KUMAR MEHTA @ LALLU MEHTA @ LALU KUMAR MEHTA SON OF SUNDAR MAHTO RESIDENT OF VILLAGE- BANWARI CHOWK, SANICHARA MORE, PS- SULTANGANJ, DISTT- PATNA
 2. SUNNI KUMAR @ LALIT BHUSAN @ SUNNI SON OF ARJUN SINGH RESIDENT OF VILLAGE- BISCOBAN COLONY, PS- ALAMGANJ, DIST- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. SHANKAR PASWAN SON OF KAMESHWAR PASWAN The Supervisor of M/S Patliputra Shoppers PVT Ltd Company Registered address- 301, Maharaja Kameshwar Complex Frazer Road Patna Bihar Pin Code 800001

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Raj Krishna Jha, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 11-11-2025 Heard learned counsel appearing for the appellants
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 21.08.2023 passed in a case registered for the offence
punishable under Sections 149, 147, 341, 323, 504, 506 and 385
of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

4. As prosecution case, on 26.07.2021 at about 3 to 4 PM, all the F.I.R. named accused persons, including these appellants and 8 to 10 unknown persons, armed with *lathi* and *danda*, stopped the construction work and demanded RS. 25,00,000/- as ransom and on refusal, all of them assaulted informant and others and abused by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, on account of dispute over possession of the land in question, a simple scuffle took place leading to lodging of this false and concocted case. Allegation of assault is general and omnibus and no specific causation of overt act has been alleged against these appellants. The alleged offence was not committed on the ground that the informant belongs to SC/ST community and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellants.



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 and general and omnibus nature of accusation, this appeal is allowed and the impugned order dated 21.08.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 5769 of 2023 arising out of Alamganj P.S. Case No. 453 of 2021 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Alamganj P.S. Case No. 453 of 2021.

(Prabhat Kumar Singh, J)

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