

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4490 of 2024

Arising Out of PS. Case No.-556 Year-2023 Thana- JAKKANPUR District- Patna

Sanjay Sah @ Sanjay Prasad Sah @ Sanjay Gupta Son of Late Rameshwar Sah Resident of Mohalla Ramlakhan Path, Ashoknagar Road No. 8, Near Sanjay Cycle, Kankarbagh, P.S. Kankarbagh, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi Wife of Ravindra Chaudhary Resident of Mohalla Ramvilash Chowk Navratanpur, Kankarbagh, PS- Kankarbagh, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Shanker Pankaj, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.
For Respondent No.2 : None

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellant and learned Spl.P.P. for the State. There is no appearance on behalf of respondent no.2, however, the Special Public Prosecutor informs this Court that the informant has been informed about the case and in his absence he is pleading the case of the informant.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 24.07.2024 passed by the learned Court of Exclusive Special Judge, SC/ST Act, Patna in connection with Jakkanpur P.S. Case No.556 of 2023, F.I.R dated 16.09.2023 registered under Sections 307, 341, 323, 506, 504, 354 and 34 of the Indian Penal Code and Section 3(1) (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution is that the informant



along with one Lavkush Kumar were intercepted on way by the accused persons who started abusing by taking caste name and also indulged in assaulting resulting in causing head injury to Lavkush Kumar.

4. Learned counsel for the appellant at the outset submits that it would be apparent from the F.I.R itself that the name of the appellant has not been taken amongst those who had intercepted the informant and Lavkush Kumar, rather the name of the appellant was taken in the F.I.R in the later part attributing him some allegations of assaulting the informant by means of fists etc., along with other persons. It has further been submitted that F.I.R also does not disclose the reason for the occurrence which is not permitting the informant's side of getting the piling work done. It would appear from such allegation that the case basically originated from civil dispute between the parties and a false allegation under Section 307 of the I.P.C and provisions of SC/ST Act has been imputed.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant based upon the allegation made in the F.I.R.

6. So far as allegation of hurling of abuses is concerned, no offence under the provisions of Scheduled Castes



and Scheduled Tribes Act is made out against the appellant.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that there is delay of one day in lodging of F.I.R which arises out of land dispute and the injury attributed to the injured Lavkush Kumar is not upon the present appellant, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Act, Patna in connection with Jakkanpur P.S. Case No.556 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Soni Shrivastava, J)

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