

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4510 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- SIKTI District- Araria

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1. Shakoor @ Sakur S/o- Yunus All R/o Village-Lat Kharid Ward No 14 P.S-Sikti District-Araria
 2. Zubair @ Juber Son of Kudus All R/o Village-Lat Kharid Ward No 14 P.S-Sikti District-Araria
 3. Multan Son of Majebul All R/o Village-Lat Kharid Ward No 14 P.S-Sikti District-Araria
 4. Jabbarul @ Jabarul Son of Sultan All R/o Village-Lat Kharid Ward No 14 P.S-Sikti District-Araria

... .. Appellants.

Versus

1. The State of Bihar
2. Ram Prasad Ram Son of Late Vikku Ram Village- Khoragachh W.No-2, Ps-Sikti Dist- Araria

... .. Respondents.

Appearance :

For the Appellants	:	Mr. Madhav Jha, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the respondent no.2	:	Mr. Gopal Kumar Jha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 31.08.2024 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Sikti P.S. Case No. 116 of 2024 registered under Sections 126 (2), 115 (2), 118 (1), 109,



303 (2), 352, 351 (2) and 3 (5) of the B.N.S. and Section 3(1) (e), 3(1) (k), 3 (1) (s) and 3 (1) (t) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The case of the prosecution is that the appellants along with 40 to 50 other persons armed with lathi came to the house of the informant for demolishing the informant's house and abused him with caste name and also indulged in assault.

4. At the very outset, it is submitted by learned counsel for the appellants that it would be apparent from the first information report itself that there is general and omnibus allegation on a mob of people with no specific allegations attributed to these appellants. Further, there is land dispute resulting in case and counter case on both sides. As a matter of fact, the appellants were not even at the spot but were working as a labour in Delhi and their names have unnecessarily been drawn in the case. The injury report, which is available in the case diary, shows the injury being simple in nature caused by hard and blunt substance which are in the nature of headache and tenderness. It is lastly submitted that as the occurrence had taken place at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against these appellants.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent no.2 have opposed the prayer



for anticipatory bail on the ground of allegations made in the F.I.R.

6. Taking into consideration the facts and circumstances of the case and the nature of the allegation being general and omnibus in nature coupled with the fact that there is counter version of the case also and prima facie, no offence under SC/ST Act appears to be made out against the appellants as the occurrence had taken place at the house of the informant and not in public view, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Araria in connection with Sikti P.S. Case No.116 of 2024, subject to the condition as laid down under Section 482 (2) of the BNSS, subject to further condition that the appellants will cooperate in the investigation/trial of the case.

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

(Soni Shrivastava, J)

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