

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5305 of 2024

Arising Out of PS. Case No.-303 Year-2019 Thana- KARJA District- Muzaffarpur

Sanjay Sahni @ Sanjay Kumar S/O Mahavir Sahni R/O Vill- Barkagaon,
Tole- Mathiya, P.S- Karja, Dist- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Naiwal Kumar S/O Bhajan Paswan R/O - Barkagaon, P.S- Karja, Dist- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-05-2025 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 17.10.2024 passed in a case registered for the offence
punishable under Sections 147, 148, 149, 323, 324, 307, 504
and 506 of the Indian Penal Code and Section 3(i)(r)(w) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of this
appellant has been rejected.



4. The prosecution case, it is alleged that all the F.I.R. named accused persons, including this appellant, abused informant by caste name and also assaulted him by means of sword and danda due to which he sustained injuries.

5. It is submitted by learned counsel appearing on behalf of the appellant that the appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assault is against co-accused Ramiqubal Sahni, Amrendra Sahni and Akhilesh Sahni. So far as this appellant is concerned, there are general and omnibus allegation of assault and there is no specific accusation of overt act against him. It is further submitted that it is not the case of the prosecution that any member of the public was present at the time of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 17.10.2024 passed by the learned Special Judge, SC/ST (POA)



Act, Muzaffarpur in connection with A.B.P. No. 3153 of 2024 arising out of Karja P.S. Case No. 303 of 2019 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 (POA) Act, Muzaffarpur in connection with Karja P.S. Case No. 303 of 2019.

(Prabhat Kumar Singh, J)

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