

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.168 of 2024

Arising Out of PS. Case No.-71 Year-2023 Thana- BITHAN District- Samastipur

Doman Sahu @ Uday Kumar @ Doman Sah Son of Musharu Sahu R/o vill -
Simha, P.S. - Bithan, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mala Devi W/o Harikishun Paswan R/o vill - Simha, P.S. - Bithan, Distt. -
Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijay Bhushan Prasad, Advocate Ms. Rani Shashi Bharti, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-07-2025 Heard learned counsel for the appellant and the State.

2. This criminal appeal has been filed against the order dated 18.10.2023 passed by learned Special Judge (SC & ST) Act, Samastipur in ABP No. 2963 of 2023 in connection with Bithan P.S. Case No. 71 of 2023, instituted under Sections 341, 323, 325, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Prosecution case, in brief, is that on 08.06.2023 at about 9:30 AM, when husband of the informant went to the house of co-accused Musharu Sahu to demand his due money,



all the accused persons assaulted and abused him by caste name. It is alleged that co-accused Sanjay Sahu assaulted on the leg of husband of informant by means of iron rod causing fracture injury. Further allegation is that the accused persons also snatched gold chain and took away his motorcycle.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. From perusal of the F.I.R. it is apparent that there was money dispute between the parties. Allegation of assault is general and omnibus. Specific accusation of overt act is against co-accused Sanjay Sahu who is alleged to have caused fracture on the leg of the husband of informant. Rest of the allegations are ornamental only to make the case grave. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of



the like amount each to the satisfaction of learned Special Judge (SC & ST) Act, Samastipur in ABP No. 2963 of 2023 in connection with Bithan P.S. Case No. 71 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 18.10.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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