

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5670 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- SC/ST District- Samastipur

Chandan Sah @ Chandan Kumar Gupta S/o Devanand Sah @ Deva Sah R/o
Village- Jogiyamath, P.S.- Karpurigram, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabita Devi W/o Shiv Charan Ram R/o Village- Jogiyamath, P.S.-
Karpoorigram, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-11-2025 Heard learned counsel for the appellant and learned
Special P.P, Mrs. Usha Kumari 1. None appears on behalf of the
informant.

2. This is an appeal under Section 14(A)2 of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 02.12.2024, passed by learned Special Judge, SC/ST
(POA) Act, Samastipur in connection with SC/ST P.S. Case
No.99 of 2024, registered under Sections 126(2), 115(2), 329(3),
329(4), 76, 352, 109, 351(2), 3(5) of B.N.S., 2023 as well as
under Sections 3(i)(r)(s)(w) and 3(2)(v) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the informant alleges that she lives with her daughter and son and her husband works outside as a labourer for earning, further on 28.08.2024 at about 01:00 p.m., a tree was uprooted and fell on the house of the informant damaging her bathroom, thereafter informant along with her son and daughter were cutting the branches of the tree when seven named and three unknown accused persons including the appellant came at the door of the informant and started abusing by taking caste name and stopped the informant from cutting the branches, on which the informant objected. Thereafter Chandradeep Sah pulled the informant's hair and dashed her on the ground unveiling her and Mahesh assaulted the informant repeatedly with bamboo stick causing causing injury on head and her ear membrane was damaged, thereafter informant was taken to Sadar Hospital, Samastipur for treatment.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation, as alleged in the FIR, it would manifest that on account of dispute relating to cutting of branches of a fallen tree,



the occurrence is alleged to have taken place. It is also submitted that the entire occurrence took place at the house of the informant and thus was not in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witness. It is also submitted that allegation of abusing by taking caste name is general and omnibus in nature but then specific allegation of assaulting the informant causing on head and ear is against Mahesh, as such, the allegation against the appellant is general and omnibus in nature. It is also submitted that the injury report was taken into consideration in the case in Criminal Appeal (SJ) No.809 of 2025 (Mahesh Kumar Vs. State of Bihar) and the appeal of Mahesh Kumar was rejected on the ground that he assaulted the informant causing injury on head and ear but then the case of the appellant is different from Mahesh Kumar.

5. The learned Special P.P. vehemently opposes the appeal.

6. Considering the submissions made by learned counsel appearing on behalf of the appellant, let appellant, above named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on



furnishing bail bond of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with SC/ST P.S. Case No.99 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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