

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.128 of 2024

Arising Out of PS. Case No.-334 Year-2023 Thana- KUDHNI District- Muzaffarpur

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KANHAIYA JHA SON OF LATE RAJENDRA JHA RESIDENT OF
VILLAGE- KISHUNPUR, MADHUBAN, PS- KURHANI, DISTT-
MUZAFFARPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAJU KUMAR SON OF JAGPAT RAM RESIDENT OF VILLAGE-
KISHUNPUR, MADHUBAN, PS- KURHANI, DISTT- MUZAFFARPUR

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Nachiketa Jha , Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	Mr. Aditya Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-07-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant.

2. This appeal has been filed for setting aside order dated 01.12.2023 passed in a case registered for the offence punishable under Sections 341, 323, 324, 384, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, on 25.06.2023, when the informant reached at the door of this appellant, all the F.I.R.



named accused persons, including this appellant, surrounded him, stopped his motorcycle and snatched the key of his motorcycle and thereafter, abused him by caste name. It is further alleged that the accused persons demanded Rs. 50,000/- as *Rangdari*.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, the present case is counter blast of Kudhni P.S. Case No. 346 of 2023 dated 07.07.2023 filed by the wife of this appellant, namely Radha Jha, against informant and four others. The present case has been lodged after inordinate delay of 8 days and there is no plausible explanation for the same. There are general and omnibus nature of accusation and no specific overt act has been alleged against this appellant. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of



the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case between the parties and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 01.12.2023 passed by the learned Special Judge, S.C. & S.T. (POA) Act, Muzaffarpur in connection with A.B.P. No. 3640 of 2023 arising out of Kudhani (Kurhani) P.S. Case No. 334 of 2023 is hereby set aside with respect to this appellant only.

7. 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, S.C. & S.T. (POA) Act, Muzaffarpur in connection with Kudhani (Kurhani) P.S. Case No. 334 of 2023.

(Prabhat Kumar Singh, J)

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